



Surveillance, Censorship, and Educational Technology

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Article info	Abstract
<p>Original Article</p> <p>DOI: 10.30470/er.2024.2032439.1340</p> <p>Submission History: Received: 07/08/2024 Revised: 08/10/2024 Accepted: 10/11/2024 Published: 04/04/2026</p> <p>Conflict of Interests The authors declare no conflict of interest.</p> <p>Funding/Support This research has not received any financial support from funding organizations.</p> <p>Extraction This article is not extracted from a thesis.</p>	<p>Corporate surveillance and data collection have become routine in primary, secondary, and higher education. In the United States, the Fourth Amendment is the basis of privacy laws that protect citizens against unwarranted surveillance. However, businesses and governments circumvent this amendment and its associated privacy laws. Multinational corporations such as Ellucian and Anthology collect personal data through educational products such as Banner and Blackboard. Personal information under the purview of corporations includes data on religion, ethnicity, ideology, political activity, health, and sexual activity. In addition to providing a discussion of Ellucian's data collection practices, this study discusses other businesses that trade in personal data — e.g., Google and YouTube — as well as a report on surveillance of schoolchildren published by Human Rights Watch. The purpose of this study is to shed light on corporate surveillance and data collection in schools and universities by analyzing and discussing material such as Ellucian's privacy notice, the Family Educational Rights and Privacy Act, and the U.S. Supreme Court's landmark decision, <i>Carpenter v. United States</i>. In addition, the political contexts of surveillance and censorship are considered. Among the findings are: (1) Surveillance and censorship work in unison; both rest on asymmetrical power relations; (2) Corporate executives and government officials have usurped the prerogative of educators; and (3) Educators are plagued by an inversion of values: the ability of students and teachers to communicate and share information is hindered by those who measure success in financial terms. Given these circumstances, educators and students are incapable of self-determination.</p> <p>Keywords: Ethics, Surveillance, Data Collection, Censorship, Education, Technology, Money.</p>

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1. Introduction

This study stems from my experience as an adjunct instructor of philosophy at a nominally Catholic university in the State of Connecticut, Sacred Heart University (SHU). In 2023 I became familiar not only with SHU's partnership with data collection businesses such as Ellucian, but also with SHU's privacy policies and their enforcement or lack thereof. However, the scope of this study is by no means limited to SHU and Ellucian. The methods by which SHU and Ellucian circumvent privacy laws shed light on double standards that have become endemic in higher education. Ellucian is only one of many "educational technology" businesses engaged in collecting personal data. Moreover, data collection and circumvention of civil liberties are not limited to higher education. With this in mind, I will also discuss other businesses that trade in personal data — e.g., Google and YouTube — as well as the findings of a report on surveillance of schoolchildren recently published by Human Rights Watch.

This study is divided into five sections. Following Section 1 as the introduction, Section 2 provides an overview of Ellucian's data collection policies and the means by which Ellucian collects personal data on students and their parents and educators. Ellucian permits itself to collect sensitive data, including data pertaining to religion, ethnicity, ideology, political activity, health, and sexual activity.

In Section 3, I argue that corporate surveillance and data collection without consent have become routine in primary, secondary, and higher education. In fact, the act of merely accepting the terms of a policy or agreement is often a form of data collection. In Section 3.2, the Family Educational Rights and Privacy Act (FERPA) is discussed. For the reasons given below, in practice FERPA has become legally and ethically devoid of meaning.

Section (4) presents a discussion on surveillance and data collection in the context of the Fourth Amendment. In the United States, the Fourth Amendment is the basis of privacy laws that protect citizens against government surveillance. However, both educational technology businesses and governments circumvent this amendment and its associated privacy protections. In addition, I will argue that surveillance and censorship operate in unison; both rest on asymmetrical power relations.

Given the above, educators and students along with ordinary citizens are incapable of self-determination — in a word, the United States is a sham democracy. The final section develops this point and, in keeping with the spirit of this study, ends on a negative note.

2. Ellucian, Google, and Alphabet

2.1. Ellucian

Johri (2022) states that digital platform use is now routine in higher education: digital platforms and educational technology are used for "communication and information sharing (Zoom, Microsoft Teams); learning management (Moodle, Blackboard, Sakai); and functions such as HR, financial aid,

and alumni engagement (Ellucian, Salesforce, or TargetX)” (para. 2). The following discussion focuses on Ellucian, a multinational corporation that operates in over 2,900 higher education institutions and produces software used by more than 22 million students globally (Ellucian Company L.P. [Ellucian], 2024d).

Ellucian’s products are used for course registration, academic warnings, grade submission, and many other tasks that are routinely performed by faculty and students in colleges and universities across the globe. Through products such as Banner, Ellucian touts itself as a benevolent multinational corporation that selflessly reaches out to struggling colleges and universities that are overwhelmed with too much data. Quoting the president of a small college in Texas, Ellucian’s “case study” — i.e., marketing piece — on Laredo College states:

“[Ellucian] said, ‘Look, we’re going to help you figure this out. We’re going to move you into the cloud, and we’re going to make sure you’re successful,’” President Ramirez [of Laredo] said. “How could I say no to that? How could we say no to someone that was willing to take a chance on a small college like ours, knowing that our needs are so great? And be so willing to help us grow and develop for the benefit of our students and community of learners [sic].” (2023b, p. 4)

The above should be contrasted with Ellucian’s privacy policy — a document which sheds light on Ellucian’s underlying motivations.¹ Below I will discuss some of the more pertinent and questionable aspects of Ellucian’s policy as well as the scope of its data collection.

2.2. Scope of Data Collection

Ellucian collects and processes the personal data of students, prospective students, parents, alumni, faculty members and other employees of Ellucian’s customers (Ellucian, Apr. 2024). In some areas, including the European Economic Area and the United Kingdom, Ellucian collects the following information: name, address, e-mail address, phone number, student records, employment information, financial information, and “identification information” such as driver’s license and passport numbers (Ellucian, Apr. 2024).

Ellucian’s privacy notice also states:

Ellucian collects Personal Data [sic] from the following sources:

- You

1. It should be noted that the details provided in this section mainly apply to late 2023 and the first half of 2024, the period in which this study was written. However, businesses such as Ellucian are notorious for frequently changing their data collection policies. In addition, Ellucian’s privacy notice is nearly 5,000 words in length and its wording is often vague or ambiguous — no doubt the obfuscation benefits Ellucian.

- Your device – this may include information collected automatically as further described in the sections below
- Other sources – we collect Personal Data from third parties as needed to accomplish the purposes described below. (Ellucian, Apr. 2024, Collection of Personal Data section)

The above is only a partial account of the scope of Ellucian’s data collection practices; its privacy notice also states:

We may collect, or our customers may provide to us when using Ellucian services, certain EEA [European Economic Area], UK or Swiss Data that is [sic] regarded as “sensitive,” including data concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, ideological views or activities, trade-union membership, administrative or criminal proceedings/sanctions, information on social security measures, or data concerning health or sex life ... we will obtain opt-in consent *where required* ... (Ellucian, Apr. 2024, People in the EEA section; emphasis added)

Since many universities in the United States offer courses and programs abroad,¹ a significant number of American faculty and students who work and study abroad are subject to the above data collection practices. Moreover, the scope of the policy stated above is unspecified — we are left in the dark as to whether such information is collected outside the EEA and the UK. In addition, the first words quoted above — “We may collect, or our customers may provide to us” — show that Ellucian permits itself to collect sensitive information even when such information is not provided by its “customers” — i.e, colleges and universities which use Ellucian’s products.

Ellucian states that it uses personal data for a variety of activities including “general marketing purposes,” product development, advertising in social media, and “operating and expanding ... business activities” (Ellucian, Apr. 2024, Customer Personal Data section). Equally important, at the time of this writing Ellucian’s affiliates comprise 152 business partners, many of them in the business of collecting and sharing data for marketing, commerce, payment processing, and other purposes (Ellucian, 2024b). One such partner, Nelnet Campus Commerce, is illustrative. According to Ellucian, Nelnet is fully integrated into Ellucian’s “educational services”:

Nelnet Cloud Connector pulls data between Nelnet Enterprise and Cashiering and Ellucian Banner. The data flows [sic] both from and to Ellucian Banner. Nelnet Cloud Connector pulls student payments, charges, financial aid, and demographic data. Payments and student holds are posted to Ellucian Banner. (Ellucian, 2024a, para. 2)

1. For example, as of this writing Sacred Heart University offers programs in both Ireland (a member of the EEA) and the UK.

Like Ellucian, Nelnet is a multinational corporation; it collects and processes student financial data and demographics in Australia, Canada, Chile, Colombia, Egypt, India, Ireland, Kuwait, Lebanon, Mexico, New Zealand, Puerto Rico, Qatar, Saudi Arabia, Singapore, UAE, UK, and the United States (Ellucian, 2024a, Countries of Operation section). In their own words, Nelnet’s “philosophy” is to “emphasize strong, sustainable competitive advantages, recurring revenue, profit margin, and cash flow” (Nelnet Business Services [Nelnet], 2024b, Economic Moat section) — this is where their values lie. In keeping with this sentiment, one of Nelnet’s main functions is to track student payment history “to identify trends across campus” — students are even “scored” based on the timeliness of their payments (Nelnet, 2024a, Measure Student Payment section). Thus, students are burdened not only with high tuition fees and inflation, they are also tracked by third parties that monitor their payments. As we see above, such tracking is carried out through the use of “educational technology” provided by Ellucian.

2.3. Tracking Methods

At SHU and other universities, students and faculty who wish to read Ellucian’s privacy policy must do so by visiting Ellucian’s Web site. The latter serves as a mechanism for collecting further information. In fact, the use of privacy policies and “cookie declarations” as a means for collecting personal data is not uncommon. Commenting on a Canadian Web site named “CBC Kids” — a site that purportedly educates school children — Human Rights Watch (HRW) reports that children who visited this site to disable tracking mechanisms were in turn surveilled while their personal data was transmitted to advertising companies (2022). More specifically, digital trackers embedded in the “How to Manage Your Cookies” Web page at CBC Kids sent personal data to Adobe, ChartBeat, comScore, Cxense, Google, and Oracle (HRW, 2022). Ellucian is certainly in on the game — merely by visiting its Web site where its privacy notice and “cookie declarations” are posted, a user becomes vulnerable to data collection.

Ellucian’s Web site states that 35 “cookies” — a euphemism for digital identifiers, electronic tracking mechanisms, and indexed databases — are used for statistical purposes and 100 for marketing purposes (Ellucian, May 2024). For example, the following is Ellucian’s entry on a tracking mechanism named `_mkto_trk`:¹

1. To clarify the table entries, in the first table the name of the tracking mechanism or “cookie” is `_mkto_trk`, it is provided by Adobe Marketo Engage, and it tracks and collects data for a maximum of 401 days.

Table 1*Ellucian Tracking Mechanism: _mkto_trk*

Name	Provider	Purpose	Max. Duration	Type
_mkto_trk	<u>Marketo</u>	Contains data on visitor behavior and website interaction. This is used in context with the email marketing service Marketo.com, which allows the website to target visitors via email.	401 days	HTTP Cookie

Clicking on the link to Marketo above brings one to Adobe’s Web site; Adobe’s site in turn uses cookies for tracking and data collection. In addition, Adobe claims that its marketing product, Marketo Engage, is “the world’s largest marketing automation platform” — it is “Marketing that’s always on” (Adobe, 2024a, para. 2). Marketo Engage allows its customers to use “rich behavioral data, built-in intelligence, and sophisticated journey flows to identify ... and accelerate the customer experience” (Adobe, 2024a, para. 2). Equally important, Adobe claims that “Marketo Engage uses real-time behaviors, profiles enriched with online and offline data, and AI to help you identify and deliver the best-performing content to create 1:1 personalized experiences at scale” (Adobe, 2024b, Content Intelligence section). Given this, we can see why Adobe would want to partner with Ellucian and other educational technology companies: the latter serve as a lucrative source of personal data and “real-time behaviors” for developing marketing profiles.

Tracking and surveillance occur through a wide variety of means. For example, the following entry in Ellucian’s list of cookies mentions a “pixel tracker” (May 2024, Marketing section):

Table 2*Ellucian Tracking Mechanism: ads/ga-audiences*

Name	Provider	Purpose	Max. Duration	Type
ads/ga-audiences	<u>Google</u>	Used by Google AdWords to re-engage visitors that are likely to convert to customers based on the visitor's online behaviour across websites.	Session	Pixel Tracker

A pixel tracker is a 1x1 pixel image that is invisible to the user; it allows other sites to monitor and target the user with advertisements (Mattu & Sankin, 2020). User actions that can be monitored via pixel trackers include viewing content on a Web page, adding payment information, and making purchases (Mattu & Sankin, 2020).

The following is another entry in Ellucian’s marketing cookies list (May 2024, Marketing section); it is noteworthy for its reference to geographic tracking and behavior profiling:

Table 3
Ellucian Tracking Mechanism: trwsb.sid

Name	Provider	Purpose	Max. Duration	Type
trwsb.sid	Marketo	Targets ads based on behavioural profiling and geographical location.	Session	HTTP Cookie

At least three of Ellucian’s tracking mechanisms include geographical data. Geographical tracking can be very precise. By means of cell phones, businesses can track an individual’s precise physical location over long stretches of time. According to HRW’s report on the surveillance of schoolchildren, geographic tracking can reveal where one lives, where one goes to school, trips between divorced parents’ homes, and visits to a doctor’s office specializing in childhood cancer (2022). Even without names or other obviously identifiable information, it is possible to identify individuals without their awareness or consent using location data. Of the 73 digital educational applications examined by HRW, “21 apps (29 percent) granted themselves the ability to collect precise location data, or GPS coordinates that can identify a child’s exact location to within 4.9 meters” (2022, Precise Location Data section).

The above is corroborated in the Supreme Court’s decision on *Carpenter v. United States* (2018), a landmark case on the Fourth Amendment and third-party data collection. According to the Supreme Court, mapping a cell phone’s location over a significant length of time “provides an all-encompassing record of the holder’s whereabouts”; time-stamped data provide “an intimate window into a person’s life” (2018, p. 12). Those who have access to these data can determine an individual’s familial, political, occupational, religious, and sexual associations (*Carpenter v. United States*, 2018, p. 12). When a government tracks the location of a cell phone it achieves “near perfect surveillance, as if it had attached an ankle monitor to the phone’s user” (*Carpenter v. United States*, 2018, p. 13).

Ellucian coordinates data collection with companies that collect massive amounts of personal data. YouTube is a case in point. The following is listed under Ellucian’s “marketing cookies” category (Ellucian, May 2024, Marketing section):

Table 4
Ellucian Tracking Mechanism: yt.innertube/: nextId

Name	Provider	Purpose	Max. Duration	Type
yt.innertube::nextId	YouTube	Registers a unique ID to keep statistics of what videos from YouTube the user has seen.	Persistent	HTML Local Storage

This is one of 21 YouTube trackers utilized by Ellucian (Ellucian, May 2024). Given how much time students spend on YouTube,¹ trackers such as the above can provide Ellucian with large amounts of personal information. This will be discussed further below.

Equally worrisome are cookies whose purpose is “pending” and cookies that use indexed databases; these include the following:

Table 5

Ellucian Tracking Mechanisms: LogsDatabaseV2, _6signalTTL, #GUID#23

Name	Provider	Purpose	Max. Duration	Type
LogsDatabaseV2:V# LogsRequestsStore	YouTube	Used to track user’s interaction with embedded content.	Persistent	IndexedDB
_6signalTTL	j.6sc.co	Pending	Persistent	HTML Local Storage
#GUID#23	ellucian.com	Pending	1 year	HTTP Cookie

There are more than 20 cookies in Ellucian’s list whose purpose is unknown — thus, we have no idea what they will be used for, or what they are being used for if they are currently in operation.

2.4. Data Aggregation

We underestimate the extent of the problem described above when we assume that Ellucian operates more or less independently. Businesses that work in unison by sharing or selling personal data make a great deal of money. This is especially the case in the marketing sector. When large amounts of separate data are aggregated and processed, hidden behavioral and psychological patterns can be revealed. This is why data collection and aggregation are invaluable to the personalized marketing industry. Even data

1. According to a report published by Pew Research, roughly one in five U.S. citizens between the ages of 13 and 17 watch YouTube “almost constantly” (2022, Table 2).

that are restricted to one's Web searches can reveal a great deal of information when they are aggregated. A report published by the Markkula Center for Applied Ethics titled "Ethical Implications of Data Aggregation" states:

Search services like Google ... compile vast amounts of data on the searches of all their visitors. These seemingly innocent little bits of data, when taken together, can be very revealing. From a person's search queries, one could infer, rightly or wrongly, medical and psychological issues, legal problems, employment status, personal interests, sexual activities and preferences, relationships, fantasies, economic circumstances, geographical location and a host of other characteristics. Taken together they can suggest a fairly comprehensive portrait of a person, including that person's most intimate problems and vulnerabilities. (McFarland, 2012, p. 3)

Schools and universities are, at the very least, complicit in corporate surveillance. For example, one of SHU's privacy policies states the following:

We collect information globally and primarily store that information in the United States. We transfer, process and store your information outside of your country of residence, to wherever we, Sacred Heart University, or our third-party service providers operate ... The Sacred Heart Privacy Policy does not apply to third-party websites or services. (SHU, 2018, How We Transfer Information section)

Given the above, and given that Ellucian is one of SHU's third-party "service providers," we must take account of where Ellucian operates as well. Ellucian's privacy notice states: "Because Ellucian is a global company, Personal Data [sic] may be stored and processed in the United States or any other country in which Ellucian and its affiliates and agents maintain facilities or personnel" (Apr. 2024, Security of Personal Data section). Ellucian lists 26 sub-processors and it collaborates with numerous businesses to provide marketing, "customer health management," "contingent labor" and many other business operations (2023a). For example, Salesforce is listed as one of Ellucian's sub-processors; they are responsible for customer account management, sales operations, and "marketing automation" (Ellucian, 2023a, p. 3). Google also acts as a sub-processor; its processing for Ellucian employs G-Mail, Google Docs, Google Slides, Google Chat, etc. (Ellucian, 2023a, p. 3). In addition, subsidiaries of Ellucian are located throughout the world and include Ellucian Technology de Mexico; Ellucian Tecnológica de Chile Limitada; Ellucian Higher Education Systems Private Limited (India); Ellucian SMS Ltd (UK and UAE); and Ellucian Tecnología de Colombia SAS (Ellucian, 2023a).

Moreover, one of Ellucian's parent companies, The Blackstone Group, has a notorious track record. Headed by co-founder Stephen A. Schwarzman, Blackstone has more than \$1 trillion in assets

under management (Blackstone, 2024); it therefore dwarfs the GDP of many nations across the globe.¹ Equally important, Blackstone and its subsidiaries have been penalized for price-fixing, false claims, privacy violations, consumer protection violations, labor relations violations, nursing home violations, environmental violations, and many other offenses (Good Jobs First, 2024). Especially notable is the fact that PSSI, a Blackstone-owned meat-packing business, paid \$1.5 million in penalties after the U.S. Department of Labor discovered that the company employed at least 102 children – some as young as 13 years old – in hazardous occupations; children worked overnight shifts at 13 slaughterhouses in eight states (U.S. Department of Labor, 2023).²

With the above in mind, consider the first words of Ellucian’s privacy policy: “Ellucian is committed to maintaining your confidence and trust ...” (Ellucian, Apr. 2024, para. 1). Even *if* — hypothetically — this were the case, how can we assume this is also true of Ellucian’s affiliates, technology partners, and parent companies?

2.5. Google, YouTube, and Alphabet

As shown above, by means of digital tracking mechanisms and sub-processing services, Ellucian coordinates data collection with Google and YouTube, both of which are subsidiaries of Alphabet Inc. The latter is a monolithic corporation that subsumes many other businesses, including companies involved in the medical industry, life sciences, longevity, drone delivery, and investment (Alphabet, n.d.).

The above serves as a reminder that behind Google and YouTube is yet another byzantine and shadowy network of businesses and multinational corporations. However, of Alphabet’s many companies, Google deserves special attention. Owning a 27.5 percent share of digital advertising spending in 2021, “Google holds unparalleled dominance over the world’s digital advertising market” (HRW, 2022, Google section). Within the Google umbrella alone is a set of 74 products which include Google Ads, Google Chat, Google Classroom, Google Home, Google Maps, Google Pay, Google Play, Google Store, Google TV, Google Wallet, Google Shopping, News, Scholar, Travel, Voice, YouTube, YouTube Kids, YouTube Music, YouTube TV — the list goes on (Google, n.d.).

One may argue that Google, like YouTube, is not as pernicious as Ellucian because students and educators may “opt out”; there are alternative search engines and video platforms that provide similar services. No one is forced to use Google’s products, one may claim. But this is not the case. Google has infested the educational sector as well. By some estimates, in 2018 more than 30 million primary and secondary school students used products such as Google Docs and G-Mail (American University,

1. For example, the GDP of Ireland in 2022 was USD 533 billion (The World Bank, 2024) — this amounts to only a fraction of Blackstone’s managed assets.

2. Ironically, Blackstone’s CEO states that “The firm’s achievements are only possible because of our most valuable asset: our people” (Blackstone, 2024, para. 5).

2018).¹ Moreover, of the 163 educational technology products investigated by HRW, 131 (80 percent) included embedded tracking technologies produced by Google (2022).²

A fundamental purpose of education is to produce citizens who are capable of independent thinking. Yet, schools and universities hinder this purpose to the extent that they encourage excessive dependence on information technology. Google, in conjunction with YouTube, social media, and the like, give us the illusion that we don't have to think for ourselves: the answers to our questions are conveniently provided by search engines and similar resources. Hence, given the overwhelming dominance of Google in the search engine industry, search rankings in Google are considered to be potent manipulative tools by state agencies; for this reason, they are widely employed by governments throughout the world (Pichierri, 2021, p. 16). Content displayed on the Web can be shaped according to the personal data owned and collected by Google and other businesses (Pichierri, 2021, pp. 16-17). The sociopolitical consequences are significant. In some cases, a slight alteration of search rankings can affect an election by appealing to the preferences of undecided voters without their awareness (Pichierri, 2021, p. 16).

In conclusion, reconsider **ads/ga-audiences**, a pixel tracker that is used by Ellucian and Google AdWords “to re-engage visitors that are likely to convert to customers based on the visitor's online behaviour across websites” (Ellucian, May 2024, Marketing section; see Section 2.3). The wording leads us to believe that we are not students or educators, nor are we citizens, ultimately we are “customers.” In fact, we are not even customers, given that customers have legal protections; there are laws against fraud, for example. But students and educators have no ownership over the educational technology products they are compelled to use. Moreover, as will be explained below, they cannot even choose among these products.

3. Coercion

3.1. Lack of Choice

Tasks such as grade submission, academic warnings, course registration and the like do not require the products of multinational corporations. These activities were carried out well enough by schools and universities long before the Internet. Now, students and educators “consent” to use educational technology products such as Banner and Blackboard. But in fact they do not consent; they do not even

1. Ironically, the same source bemoans the fact that some students hesitate to use educational technology — no mention is made of the possibility that these students may be more well-informed than their teachers.

2. The same source notes that in 2021, “Google announced that it would no longer allow advertisers to target personalized advertising to children based on their age, gender, or interests ... However, the company did not preclude advertisers from continuing to use location data to infer sensitive information and target ads to children” (HRW, 2022). In addition, Google did not restrict its own collection of children's data or its profiling and targeting of children (HRW, 2022, Google section).

have a choice. To fulfill legal obligations, schools and universities merely present the semblance of consent. In their report on children’s data protection in education systems, the Council of Europe states:

In education, consent is not the norm even though it is often asked for and collected through a compulsory tick box exercise, which is not a consent process ... Education from a child’s perspective is generally compulsory, even where it is not statutory. Whether through parental choice or school staff enforcement of policies and rules, the child in education, regardless of age, is not in a position of power. (Persson, 2019, p. 10)

The above applies not only to schoolchildren, but also to university students and their parents, teachers, and professors. It applies to all levels of education, from elementary school to graduate school, and it is a problem of international proportions.

HRW’s report on children’s rights violations corroborates the Council of Europe’s findings. The former states that data collection and surveillance through government-mandated educational technology occurred in circumstances where children and their parents could not reasonably object (HRW, 2022). This was especially the case during the pandemic, when students and teachers relied heavily on technology. In most cases, surveillance took place secretly, without the student’s knowledge or consent: “it was impossible for children to opt out of such surveillance and data exploitation without opting out of school and giving up on formal learning altogether during the pandemic” (HRW, 2022, No Choice section).

At all levels of education, surveillance and data collection without consent have become routine. Even worse, the act of merely accepting the terms of a policy or agreement has become a means of data collection. Schools often establish contracts with third parties that require a user to accept a policy or agreement before a service or application can be used (Persson, 2019, p.15). Known as “click-wrap agreements,” these agreements can extract massive amounts of student data from educational databases without the school’s oversight (Persson, 2019, p.15). To mention but one example, students who consent to the terms of cashless catering systems operated by a school or university may unwittingly expose personal data on religion and ethnicity to a third party (Persson, 2019, p.15). Moreover, when changes to the terms and conditions of a policy or contract are refused by a user, access to an educational service (e.g., course registration) is often denied. In many cases, new terms and policy revisions are not even communicated to students (Persson, 2019, p.16).¹

At Sacred Heart University, even when students have the option of withholding personal

1. It is common practice to regularly change the terms of privacy policies. For example, Ellucian’s privacy policy states: “Ellucian may revise this Privacy Notice from time to time in order to comply with new laws and regulations; to conform to industry best practices; to reflect changes in Ellucian product and service offerings; and for other reasons” (Apr. 2024, Changes to this Privacy Notice section).

information, in reality they have little choice given the consequences. SHU's Privacy of Records Statement states: "It is important to note that some [personal] information is designated as 'Directory Information' and is available to individuals, agencies and organizations within and without the University ..." (SHU, 2024, para. 2). Directory information includes name, place and date of birth, address, grade level, enrollment status, dates of attendance, field of study, previous institutions attended, and participation in officially recognized activities (SHU, 2024). While students at SHU have the option of refusing the release of this information, they are discouraged from doing so; the same privacy policy states:

Students should consider very carefully the consequences of any decision to withhold directory information. If the student decides to inform Sacred Heart University not to release directory information, *any future requests for such information* from non-institutional persons or organizations *will be refused* (SHU, 2024, para. 4; emphasis added).

Given this, what recourse do students have if they wish to apply to graduate school or if they wish to share their transcripts with prospective employers?

3.2. FERPA

In theory, students and faculty do have legal protections. In the United States, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g; 34 CFR Part 99) — "FERPA" — was designed to protect students from surveillance and data collection. In theory, it affords students certain rights with respect to their education records, including the right to provide written consent before a university discloses personally identifiable information from the student's records. One exception is disclosure to school officials "with legitimate educational interests" (SHU, 2022, para. 3). According to SHU's FERPA notice (2022), a "school official" may be "a person or company" with whom a university has contracted as its agent (para. 3).

Schools and universities in the United States often use FERPA as rhetorical cover for educational technology companies — FERPA may lead us to believe that companies such as Ellucian and Anthology are equivalent to "school officials" with "legitimate educational interests." In addition, we are also led to believe that students and faculty actually have a say in the matter. For example, Southern Connecticut State University's FERPA notice states: "According to FERPA, college students are considered responsible adults and are allowed to determine who will receive information about them" (Southern Connecticut State University [SCSU], 2022, para. 3). In fact, this is emphatically *not* the case. Can a student, for example, insist that faculty do not use Blackboard, Banner, and other applications for grading and course registration? What would happen to students who take FERPA and the Fourth Amendment seriously by refusing to use these products? For that matter, what would happen to

educators who refuse?

Given that Ellucian and other educational technology businesses treat students not as citizens but as consumers and as “customer data subjects” (Ellucian, Apr. 2024, The Customer’s Responsibilities section), the boundaries between education and business have become blurred — in many ways, universities have become businesses in which financial interests have superseded the interests of educators and scholars.¹ In “Out of Control,” Johri (2022) concludes: “If every operation of the university is transformed through ... [digital] platform services, then the university itself could be argued to increasingly resemble a platform — a site for exchange of services and nothing more” (para. 8).

4. Surveillance and Censorship

4.1. The Industry of Surveillance

In their report on surveillance of school children, HRW concludes that out of 94 educational technology companies, 87 (93 percent) directly sent or had the capacity to grant access to children’s personal data to 199 companies (2022). Most of these companies use personal data for marketing purposes and they transfer such data in a byzantine system of advertising companies and data brokers — this system constitutes a \$378.16 billion industry (HRW, 2022). The educational products studied by HRW monitored or had the capacity to monitor students, in most cases “secretly and without the consent of children or their parents”; at many schools these products were used for “harvesting data on who [students] are, where they are, what they do in the classroom, who their family and friends are, and what kind of device their families could afford for them to use” (HRW, 2022, Summary). Hence, devices used by schoolchildren serve as mechanisms for monitoring their families. Families, in turn, are also targeted.

Surveillance of students, educators, their families, and citizens at large is not performed solely by corporations. As will be explained below, governments and law enforcement agencies take advantage of the latest surveillance technologies to circumvent civil liberties.

4.2. Censorship, War, and National Security

In the United States, the Fourth Amendment is the basis of privacy laws that protect citizens against government surveillance. In *Carpenter v. United States* the Supreme Court affirms two points: “First ... the [Fourth] Amendment seeks to secure ‘the privacies of life’ against ‘arbitrary power’ ... Second, and relatedly, ... a central aim of the Framers was ‘to place obstacles in the way of a too permeating police

1. The State of Connecticut is illustrative. According to the SCSU Faculty Senate President’s Report for March, 2021, “the Board of Regents [of Connecticut] is attacking academic freedom and trying to corporatize [sic] Connecticut public higher education, eliminate research funds and curriculum development grants, shred any semblance of shared governance, and pursue unbridled union busting” (SCSU, 2021, p. 2).

surveillance.” (2018, p. 6). The Court also states that the guiding principle of the Fourth Amendment “is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials” (2018, p. 4). The founding fathers crafted the Fourth Amendment as a “response to the reviled ‘general warrants’ and ‘writs of assistance’ of the colonial era, which allowed British officers to rummage through homes in an unrestrained search for evidence of criminal activity” (*Carpenter v. United States*, 2018, pp. 4-5).

Despite the above, intrusion by “arbitrary powers” is a threat that persists to this day. From the perspective of students and faculty, Ellucian, Anthology, Alphabet, and other corporations are indeed arbitrary powers — as stated above, their products and “services” are imposed on us under conditions that are outside of our control. This applies to governments as well. Today, government intrusion operates under the pretext of the “war on terror” and NATO’s military operations (Rahtz & Zetsche, 2021, p. 16). A 2021 United Nations publication on freedom of religion and belief states:

Rooted in the idea that one can identify “extremist thinking” and intervene before it manifests, many States [*sic*] digitally surveil citizens by intercepting telecommunications, monitoring Internet traffic, and collating and cross-referencing public and private data, including from social media or government records. (Shaheed, p. 15)

In the name of “national security,” powerful corporations are heavily involved in state surveillance. For example, for quite some time Google has been enmeshed in the defense and security industries of the United States; a 2021 report produced by the European Parliament states:

The CIA’s venture capital arm In-Q-Tel was an early investor in Google, and the company’s erstwhile CEO Eric Schmidt was in 2016 the inaugural chairman of the Defense Innovation Advisory Board, a body set up to advise the Pentagon on the military uses of digital and other computing technologies. (Rahtz & Zetsche, 2021, p. 10)

In response, one may argue that surveillance deters crime and terrorism. Surveillance and censorship, one may argue, ensure national security. But it is all too easy to assume that governments in the collective West¹ are by and large benevolent. This assumption is itself a product of our educational and mass-media systems — ‘democracy,’ ‘freedom,’ ‘liberty’: these words and their attending rhetoric are drilled into students of all ages, many of whom become teachers, writers, and journalists who repeat the same rhetoric.

Religious freedom is a case in point. In the United States, we are constantly told that we are free to

1. A useful term that has recently gained currency. However, its precise meaning is elusive. Roughly speaking, we may consider the collective West to comprise North America and the European Union. However, in a broader sense the collective West comprises NATO and allied nations and organizations such as Five Eyes and AUKUS.

believe and worship without government interference. But history disproves this claim. To describe one of many examples, in an open letter to U.S. Attorney General Merrick Garland, 20 state attorney generals criticized a leaked FBI memorandum written in January, 2023 (Miyares et al., 2023). The memorandum states that the FBI's Richmond office "will continue to connect with RTC [radical-traditionalist Catholic] adherents, both virtually via social media and in person at places of worship" for the purpose of "threat mitigation" (FBI Richmond, 2023, p. 1). After the leak, the FBI reportedly took steps to mitigate the problem; in response, the attorney generals wrote:

Suffice to say we are not persuaded by the FBI's damage-control efforts. The FBI's scrubbing of the [memorandum] from its systems and the purported "review" of the process that created it in no way reassures us that this memorandum does not reflect a broader program of secretive surveillance of American Catholics or other religious adherents, and infiltration of their houses of worship. It assures us only that the FBI is embarrassed at the public revelation of the memorandum's contents ... The memorandum's targeting of Catholics because they prefer to pray in the ancient liturgical language of the Church, and the tactics it proposes for dealing with those Catholics, harkens [sic] back to some of the worst chapters of our past. (Miyares et al., 2023, p. 3)

The letter also states that the FBI's targeting of Catholics because of "the language in which they pray or because of the beliefs to which they subscribe is unacceptable, unconstitutional, and deeply un-American" (Miyares et al., 2023, p. 3).

In light of the above, recall that Ellucian permits itself to collect data on "religious or philosophical beliefs" and "ideological views or activities" (see Section 2). Ellucian's privacy policy also states that "Ellucian also may disclose Personal Data [sic] as required by law, for example, in response to a court order, an administrative proceeding or subpoena" (Apr. 2024, Sharing of Personal Data section). The stipulation, "as required by law" is much too broad in scope; the ambiguity of the terminology effectively permits Ellucian to circumvent the Fourth Amendment. Nothing in Ellucian's privacy policy indicates that a warrant of probable cause is required. Instead, Ellucian discloses personal data even in response to "an administrative proceeding" — this is especially egregious given that Ellucian's technology operates in 50 countries (Ellucian, 2024c; see also Section 2).

As indicated above, surveillance allows governments, with the assistance of their corporate allies, to identify what they consider to be "threats." Censorship can then be used to silence these "threats." In addition, the mere fact that one is aware of being the subject of surveillance is enough to instill a habit of self-censorship (Shaheed, 2021, pp. 15-16). Surveillance breeds fear, one of the most effective means of government control.

Not long before she was murdered in a car-bomb attack, philosopher and journalist Darya Dugina

discussed the growing problem of censorship in the collective West. Commenting on the recent censorship of news agencies in Europe, she said:

Il s'agit d'un cas sans précédent de violation de "La liberté d'expression". La liberté d'expression implique la possibilité de points de vue différents, parfois peu agréables pour les autorités. RT et Sputnik *n'étaient* pas des instruments de propagande russe, mais des plateformes de discussion ... Le fait que les journalistes en Europe n'aient pas réagi de quelque manière que ce soit à ces blocages montre la nature "totalitaire" de l'ensemble du monde médiatique occidental. C'est très triste.

[This is an unprecedented case of violation of "freedom of expression." Freedom of expression implies the possibility of different points of view, sometimes unpalatable to the authorities. RT and *Sputnik* were *not* instruments of Russian propaganda, but platforms for discussion ... The fact that journalists in Europe did not react in any way to these blockades shows the "totalitarian" nature of the Western media world. It's very sad.] (Dugina, 2022, para. 14; emphasis added)

We may question Dugina's use of the word *totalitaire*, but if we understand her to mean total or near total control of information flow by governments and businesses, her claim carries a great deal of weight.

4.3. Asymmetrical Power

Both censorship and surveillance require an unequal or asymmetric distribution of power — typically, it is governments and wealthy corporations that engage in these activities. When power is equally distributed (e.g., as in a true democracy), symmetry prevails. When power is distributed unequally (e.g., as in the United States today), asymmetry prevails. Both surveillance and censorship require asymmetry. Coercion, including that described above, rests on an imbalance of power. In addition, asymmetry is the prerequisite of propaganda, disinformation, and mass marketing.

When governments or businesses influence citizens and consumers, there is a tendency to manipulate, not inform. This is made all the more possible when those without power are not aware of the means by which they are being influenced. Critical thinking, argumentation, logic, debate, creativity — arguably these comprise the foundation of higher education. When a teacher raises philosophical questions and encourages debate, for example, he allows his students to exercise freedom of thought. When a student is inundated with personalized advertisements that are based on behavioral profiling, what room is there for debate, dialogue, or reason? Similarly, when centralized governments utilize mass media to instill fear and distrust of "the others" — be they the people of Iraq, Afghanistan, Palestine, Russia, China, or whoever "the enemy" may be — how can ordinary citizens respond on an equal footing? Mass marketing and government propaganda stifle criticism, debate and dialogue; as such they

are anathema to the *raison d'être* of education. Yet, nowadays they are so pervasive that we take them for granted — often, they lurk in the background or on the margins where we do not even notice them. Caught unawares, we are not educated but manipulated.

The United Nations report cited above discusses criteria for distinguishing between legitimate and illegitimate influence. Factors include *lack of consent*, *obfuscation*, and *harm* (Shaheed, 2021, p. 11). The following criterion is especially relevant:

Asymmetrical power. Is there an imbalance of power between the influencer and the rights holder? Does the influencer exercise his power to promote a certain narrative to the exclusion of others? Is this done in a limited, transparent and consistent manner, which the recipient can readily change or appeal? (Shaheed, 2021, p. 11)

This raises the following questions: How can students and educators “readily change or appeal” multinational corporations such as Ellucian, Google, or Adobe? How can they even recognize messages promulgated by manipulative governments and businesses for what they are? For most faculty and students, “legitimate educational purposes” appear to be just that; appearances conceal the reality that surveillance and data collection in schools and universities are anything but legitimate.

On the other hand, it should be noted that asymmetry and hierarchy are, in some cases, both necessary and beneficial. Education is inherently asymmetric in the sense that it is hierarchical: educators advise, monitor, and impart knowledge to students. At the same time, there are aspects of education that are symmetric: ideally, both teachers and students educate their peers. Hence, schools and universities are both hierarchical and non-hierarchical, asymmetric and symmetric. This is necessary for educating, collaborating, and cooperating. Educators ought to know one another and they ought to know their students. A school teacher, for example, who becomes involved in a pupil's family life is not being unethical — on the contrary, he is setting a good example for his peers, insofar as the pupil, the family, and the teacher attain mutual understanding.

But let us play devil's advocate by considering the above situation from the standpoint of the political class and their apparatchiks in academia and the corporate world. Their argument would no doubt run along these lines: The student and her family mentioned above are at risk of placing an undue amount of trust in the teacher. Even worse, a friendship may develop between the pupil and her teacher, in which case a taboo is broken and the student becomes vulnerable. After all, what evidence do we have that the teacher can be trusted? More to the point, why would *any* teacher even dream of befriending a student? Individuals are unknown factors. Corporations such as Ellucian, on the other hand, *can* be trusted — they know what is best for both students and educators. They, and not teachers, should be involved in the personal lives of students through data collection, tracking, behavioral

profiling, and other activities that ultimately benefit all parties involved. Johnny is a first-rank batter in Little League, you say? Well, then, let us inform his parents about where they can buy the best baseball gear. Then, Johnny can grow up to be a success — otherwise, what are his chances? Someone will buy the gear, and that someone will have “sustainable competitive advantages.”¹ When governments and corporations team up to manage students and educators alike, the risk of failure decreases while the probability of success increases. At the same time, teachers will know their limits.

Sarcasm aside, the root of the problem is that corporate managers and government officials have usurped the prerogative of educators. In the collective West, governments and corporations tend to equate money with success. A student who graduates and finds a lucrative position at a multinational corporation is deemed to be a “success” precisely because his position is lucrative. Moral intelligence or lack thereof is irrelevant — the capacity to judge the true value of one’s work apart from its financial worth has fallen by the wayside.

We have become experts at measuring success in terms of money. In his critique of management as a form of knowledge, Kenneth Knies writes:

The prosperity known by scientific management and the worker it develops must pertain to motions and outcomes, not movements and products ... The money-form of the compensation for the sake of which workers and managers work is significant because it is the knowable form of success in general: whatever benefit is a measurable correlate of efficiently organized effort and motion.” (Knies, 2022, p. 27)

In our system, efficiency is key — in terms of scientific management, efficiency “results in higher wages and lower labor costs. Higher wages and lower labor costs, in turn, are good because they promote prosperity ... It is the promotion of prosperity, then, that provides moral justification for the entire scientific-managerial project” (Knies, 2022, pp. 26-7). Yet, as Knies suggests, what may be “prosperity” for bureaucrats and corporate executives may not be prosperity for students, teachers, and scholars. Given that Ellucian, Blackstone, Google, *et al.* are measurable successes by the standards of the managerial caste, we fall into the trap of assuming that the managers and executives of these corporations must somehow “know” more about success than scholars and educators. Corporate executives and their allies in government power centers certainly know how to make money, and they certainly know how to circumvent civil liberties — should we place them on pedestals for these reasons? Should we trust them for these reasons?

5. Conclusion

To protect schoolchildren from corporate and government surveillance, HRW recommends the

1. See Section 2.2.

following to ministries and departments of education: “Define and provide special protections for categories of sensitive personal data that should never be collected from children in educational settings, such as precise geolocation data” (2022, To Ministries section). Similarly, HRW recommends the following to educational technology companies: “Immediately stop collecting and processing children’s data for user profiling, behavioral advertising, or any purpose other than what is strictly necessary and relevant for the provision of education” (2022, To Education Technology Companies section).

In my view, the above applies to universities as well as schools. In the United States, the Fourth Amendment is not restricted to children — if it were, it would be deeply flawed. Civil liberties should be universal in scope. To illustrate this with an example, if a 15-year-old student in high school deserves to be protected from predatory corporations that treat students as “data subjects,” then why shouldn’t an 18-year-old college student deserve the same? By the same token, older students and teachers deserve protection regardless of their age.

Returning to Ellucian’s privacy policy, observe that Ellucian gives itself permission to collect data concerning “racial or ethnic origin, political opinions, religious or philosophical beliefs, ideological views or activities, trade-union membership, administrative or criminal proceedings/sanctions, information on social security measures, or data concerning health or sex life” (see Section 2). Why is Ellucian interested in this information? Why should *any* of this information be collected by a corporation in the guise of “educational services”? In fact, *if* — hypothetically — Ellucian complied with FERPA and carried out the duties of a “school official” (see Section 3), we would expect to see the following stated in Ellucian’s privacy policy:

We will *never* collect data concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, ideological views or activities, trade-union membership, administrative or criminal proceedings/sanctions, information on social security measures, or data concerning health or sex life.

Does Ellucian need to know my religious beliefs or my political views so that I can submit my students’ grades to my university’s registrar? Is this what a “school official” needs to know about me before I can carry out my day-to-day activities as an educator? Perhaps, like some school administrators, Ellucian and Blackstone believe that those of us who espouse certain religious beliefs are not to be trusted as educators, or trusted at all (McDonald, 2022).

In the United States and the collective West at large, we are plagued by an inversion of values: no matter how dissolute or unscrupulous they may be, multinational corporations are considered to be the equivalent of “school officials” with “legitimate educational interests.” Hence, the health and sex lives of students and teachers are subject to the purview of a corporation that claims to be providing

“educational services.” Meanwhile, the ability of students and teachers to communicate and share information is hindered by government officials who measure success in financial terms. Life in the mainstream has become so absurd that we no longer even see it as absurd¹ — it is more or less business as usual.

A university should govern itself. However, given the amount of interference in university affairs by third parties, self-governance is impossible. With few exceptions, academic administrators protect their financial interests just as corporate executives protect their business interests and politicians protect their sponsors. The rhetoric of privacy in higher education serves as a cover for third parties that treat personal data as a commodity.

But it would be wrong to place the blame solely on the political class and its allies in the managerial caste. Conformity and shallowness, the twin pillars of secular materialism, are pervasive in academia and in society at large. In the collective West we pride ourselves on academic freedom but in reality we have only “a manner of freedom still mired in servility” (Hegel, 1807/2019, p. 98) — a semblance of freedom.

1. Cf. “Down the Rabbit Hole” in *Alice’s Adventures in Wonderland*: When “Alice had got so much into the way of expecting nothing but out-of-the-way things to happen,” the absurd and nonsensical became ordinary in her eyes (Carroll, 1866/1992, pp. 13-14).

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چکیده

اطلاعات مقاله

نظارت شرکتی و گردآوری داده‌ها به امری عادی در آموزش ابتدایی، متوسطه و آموزش عالی تبدیل شده است. در ایالات متحده، متمم چهارم قانون اساسی مبنای قوانین حریم خصوصی است که از شهروندان در برابر نظارت‌های غیرموجه حمایت می‌کند. با این حال، شرکت‌ها و دولت‌ها با دور زدن این متمم و قوانین مرتبط با حریم خصوصی، به جمع‌آوری و بهره‌برداری از داده‌های شخصی ادامه می‌دهند. شرکت‌های چندملیتی مانند Ellucian و Anthology از طریق محصولات آموزشی خود، از جمله Banner و Blackboard، داده‌های شخصی کاربران را جمع‌آوری می‌کنند. اطلاعات شخصی‌ای که در اختیار این شرکت‌ها قرار می‌گیرد، شامل داده‌هایی درباره مذهب، قومیت، ایدئولوژی، فعالیت‌های سیاسی، وضعیت سلامت و فعالیت‌های جنسی افراد است. این پژوهش، افزون بر بررسی شیوه‌های جمع‌آوری داده توسط شرکت Ellucian، به سایر شرکت‌هایی که در زمینه خرید و فروش داده‌های شخصی فعالیت می‌کنند - مانند Google و YouTube - نیز می‌پردازد. همچنین گزارشی از سازمان دیده‌بان حقوق بشر (Human Rights Watch) درباره نظارت بر دانش‌آموزان نیز مورد بررسی قرار می‌گیرد. هدف این مطالعه، روشن ساختن ابعاد نظارت شرکتی و گردآوری داده‌ها در مدارس و دانشگاه‌ها از طریق تحلیل و بررسی اسنادی همچون اعلامیه حریم خصوصی Ellucian، قانون حقوق آموزشی و حریم خصوصی خانوادگی (Family Educational Rights and Privacy Act - FERPA) و رأی تاریخی دیوان عالی ایالات متحده در پرونده Carpenter v. United States است. افزون بر این، زمینه‌های سیاسی نظارت و سانسور نیز مورد توجه قرار گرفته‌اند. از جمله یافته‌های این پژوهش می‌توان به موارد زیر اشاره کرد: (۱) نظارت و سانسور به صورت هم‌افزا و در کنار یکدیگر عمل می‌کنند و هر دو بر روابط قدرت نامتقارن استوار هستند. (۲) مدیران شرکت‌ها و مقامات دولتی، اختیارات و صلاحیت‌های حرفه‌ای مربیان و معلمان را به نفع خود مصادره کرده‌اند. (۳) نظام آموزشی با نوعی وارونگی ارزش‌ها مواجه است؛ به گونه‌ای که توانایی دانشجویان، دانش‌آموزان و معلمان برای برقراری ارتباط و به اشتراک گذاشتن اطلاعات، توسط کسانی محدود می‌شود که موفقیت را صرفاً بر اساس معیارهای مالی می‌سنجند. در چنین شرایطی، معلمان و دانشجویان از توانایی تعیین سرنوشت و تصمیم‌گیری مستقل برای خود محروم می‌شوند.

واژه‌های کلیدی: اخلاق، نظارت، گردآوری داده‌ها، سانسور، آموزش، فناوری، پول.

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حمایت مالی و تعارض منافع

مقاله حامی مالی و تعارض منافع ندارد.

استخراج

این مقاله متخذ از رساله / پایان‌نامه نیست.

ترجمه

این مقاله توسط نویسنده به زبان انگلیسی به نشریه ارسال شده است و بخش‌هایی از آن توسط هوش مصنوعی برای رفاه خوانندگان فارسی زبان ترجمه شده است.

۱. مقدمه

این پژوهش حاصل تجربه من به عنوان مدرس حق التدریس فلسفه در یک دانشگاه اسماً کاتولیک در ایالت کنیتیک، یعنی دانشگاه سیکرد هارت (Sacred Heart University یا SHU) است. در سال ۲۰۲۳، نه تنها با همکاری این دانشگاه با شرکت‌های فعال در زمینه گردآوری داده، مانند Ellucian، آشنا شدم، بلکه با سیاست‌های حریم خصوصی دانشگاه و نحوه اجرای آن‌ها – یا در برخی موارد، عدم اجرای آن‌ها – نیز آشنایی پیدا کردم. با این حال، دامنه این پژوهش به هیچ وجه به دانشگاه SHU و شرکت Ellucian محدود نمی‌شود. شیوه‌هایی که SHU و Ellucian از طریق آن‌ها قوانین مربوط به حریم خصوصی را دور می‌زنند، پرده از استانداردهای دوگانه‌ای برمی‌دارد که به پدیده‌ای فراگیر در آموزش عالی تبدیل شده است. Ellucian تنها یکی از شرکت‌های متعدد فعال در حوزه «فناوری آموزشی» است که به گردآوری داده‌های شخصی می‌پردازند. افزون بر این، گردآوری داده‌ها و دور زدن آزادی‌های مدنی تنها به آموزش عالی محدود نیست. از این رو، در این پژوهش به شرکت‌های دیگری که در تجارت داده‌های شخصی فعالیت دارند – مانند Google و YouTube – نیز پرداخته می‌شود و همچنین یافته‌های گزارش اخیر دیده‌بان حقوق بشر (Human Rights Watch) درباره نظارت بر دانش‌آموزان بررسی خواهد شد.

این پژوهش در پنج بخش تنظیم شده است. پس از بخش نخست که مقدمه را تشکیل می‌دهد، بخش دوم مروری بر سیاست‌های گردآوری داده در شرکت Ellucian و شیوه‌هایی ارائه می‌کند که این شرکت از طریق آن‌ها اطلاعات شخصی دانشجویان، والدین آنان و نیز کارکنان آموزشی را جمع‌آوری می‌کند. Ellucian برای خود این حق را قائل است که داده‌های حساس، از جمله اطلاعات مربوط به مذهب، قومیت، ایدئولوژی، فعالیت‌های سیاسی، وضعیت سلامت و فعالیت‌های جنسی افراد را گردآوری کند.

در بخش سوم استدلال می‌کنم که نظارت شرکتی و گردآوری داده‌ها بدون رضایت آگاهانه، به رویه‌ای عادی در آموزش ابتدایی، متوسطه و آموزش عالی تبدیل شده است. در واقع، صرف پذیرش شرایط یک سیاست یا توافق‌نامه نیز اغلب خود نوعی فرایند گردآوری داده محسوب می‌شود. در بخش ۳-۲، قانون حقوق آموزشی و حریم خصوصی خانواده (FERPA) بررسی می‌شود. همان‌گونه که در ادامه توضیح داده خواهد شد، این قانون در عمل از منظر حقوقی و اخلاقی تا حد زیادی تهی از معنا و کارکرد شده است.

بخش چهارم به بررسی نظارت و گردآوری داده‌ها در چارچوب متمم چهارم قانون اساسی ایالات متحده اختصاص دارد. در آمریکا، متمم چهارم مبنای قوانین حریم خصوصی است که شهروندان را در برابر نظارت دولت حمایت می‌کند. با این حال، هم شرکت‌های فناوری آموزشی و هم دولت‌ها این متمم و حمایت‌های حقوقی ناشی از آن را دور می‌زنند. افزون بر این، استدلال خواهم کرد که نظارت و سانسور همواره در کنار یکدیگر عمل می‌کنند و هر دو بر روابط نامتقارن قدرت استوار هستند.

بر پایه آنچه گفته شد، معلمان، دانشجویان و حتی شهروندان عادی از توانایی تعیین سرنوشت خویش محروم شده‌اند؛ به بیان دیگر، ایالات متحده را می‌توان نوعی دموکراسی صوری و ظاهری دانست. بخش پایانی این پژوهش به بسط این ادعا اختصاص دارد و همسو با رویکرد انتقادی مقاله، با نتیجه‌گیری‌ای بدبینانه پایان می‌یابد.

۲. الوسین، گوگل و آلفابت

۲-۱. الوسین (Ellucian)

جوهری (۲۰۲۲) بیان می‌کند که استفاده از پلتفرم‌های دیجیتال در آموزش عالی اکنون به امری عادی تبدیل شده است. این پلتفرم‌ها و فناوری‌های آموزشی برای «ارتباطات و اشتراک‌گذاری اطلاعات (مانند Zoom و Microsoft Teams)، مدیریت یادگیری (مانند Moodle، Blackboard و Sakai)، و نیز انجام وظایفی همچون مدیریت منابع انسانی، کمک‌های مالی دانشجویی و ارتباط با دانش‌آموختگان (مانند Ellucian، Salesforce و TargetX)» به کار گرفته می‌شوند (بند ۲).

بحث حاضر بر شرکت Ellucian متمرکز است؛ شرکتی چندملیتی که در بیش از ۲۹۰۰ مؤسسه آموزش عالی فعالیت دارد و نرم‌افزارهایی تولید می‌کند که بیش از ۲۲ میلیون دانشجو در سراسر جهان از آن‌ها استفاده می‌کنند (Ellucian، ۲۰۲۴).

محصولات Ellucian برای ثبت‌نام دروس، صدور اخطارهای آموزشی، ثبت نمرات و بسیاری دیگر از وظایفی که روزانه توسط استادان و دانشجویان در دانشگاه‌ها و مؤسسات آموزش عالی سراسر جهان انجام می‌شود، مورد استفاده قرار می‌گیرند. این شرکت از طریق محصولاتی مانند Banner خود را به‌عنوان یک شرکت چندملیتی خیرخواه معرفی می‌کند که با نیتی نوع‌دوستانه به یاری دانشگاه‌ها و کالج‌هایی می‌شتابد که از حجم عظیم داده‌ها ناتوان شده‌اند. در یکی از «مطالعات موردی» – که در واقع متنی تبلیغاتی برای بازاریابی است – درباره کالج لاردو (Laredo College)، به نقل از رئیس این کالج در ایالت تگزاس آمده است:

«Ellucian به ما گفت: ببینید، ما به شما کمک می‌کنیم این مسئله را حل کنید. شما را به فضای ابری منتقل می‌کنیم و مطمئن می‌شویم که موفق خواهید شد. رئیس کالج، رامیرز، گفت: چگونه می‌توانستیم به چنین پیشنهادی پاسخ منفی بدهیم؟ چگونه می‌توانستیم پیشنهاد کسی را رد کنیم که حاضر بود روی کالج کوچکی مانند ما سرمایه‌گذاری کند، در حالی که نیازهای ما بسیار گسترده بود، و با چنین اشتیاقی به ما کمک کند تا به نفع دانشجویان و جامعه یادگیرندگان خود رشد و توسعه پیدا کنیم؟» (۲۰۲۳، ص. ۴)

این تصویر تبلیغاتی از Ellucian را باید در کنار سیاست حریم خصوصی این شرکت قرار داد؛ سندی که انگیزه‌های واقعی و بنیادین آن را آشکار می‌سازد. در ادامه، برخی از مهم‌ترین و در عین حال بحث‌برانگیزترین بخش‌های سیاست حریم خصوصی Ellucian و نیز دامنه فعالیت‌های آن در زمینه گردآوری داده‌ها مورد بررسی قرار خواهد گرفت.

۲-۲. دامنه گردآوری داده‌ها

شرکت Ellucian داده‌های شخصی دانشجویان، داوطلبان ورود به دانشگاه، والدین، دانش‌آموختگان، اعضای هیئت علمی و سایر کارکنان مؤسسات آموزشی طرف قرارداد خود را جمع‌آوری و پردازش می‌کند (Ellucian، آوریل ۲۰۲۴). در برخی مناطق، از جمله منطقه اقتصادی اروپا (EEA) و بریتانیا، این شرکت اطلاعاتی مانند نام، نشانی، آدرس ایمیل، شماره تلفن، سوابق تحصیلی، اطلاعات شغلی، اطلاعات مالی و نیز «اطلاعات هویتی» مانند شماره گواهینامه رانندگی و گذرنامه را گردآوری می‌کند (Ellucian، آوریل ۲۰۲۴).

در اطلاعیه حریم خصوصی Ellucian همچنین آمده است:

Ellucian داده‌های شخصی را از منابع زیر جمع‌آوری می‌کند:

خود شما؛

دستگاه شما - که ممکن است شامل اطلاعاتی باشد که به صورت خودکار جمع‌آوری می‌شوند، همان‌گونه که در

بخش‌های بعدی توضیح داده شده است؛

سایر منابع - در صورت لزوم، برای تحقق اهدافی که در ادامه تشریح شده‌اند، داده‌های شخصی را از اشخاص یا

نهادهای ثالث نیز دریافت می‌کنیم. (Ellucian، آوریل ۲۰۲۴، بخش «جمع‌آوری داده‌های شخصی»)

موارد فوق تنها بخشی از دامنه فعالیت‌های Ellucian در زمینه گردآوری داده‌ها را نشان می‌دهد. در اطلاعیه حریم خصوصی این

شرکت همچنین تصریح شده است:

«ممکن است ما داده‌هایی را جمع‌آوری کنیم - یا مشتریان ما هنگام استفاده از خدمات Ellucian آن‌ها را در اختیار

ما قرار دهند - که در منطقه اقتصادی اروپا (EEA)، بریتانیا یا سوئیس به عنوان داده‌های "حساس" شناخته می‌شوند.

این داده‌ها شامل اطلاعات مربوط به منشأ نژادی یا قومی، دیدگاه‌های سیاسی، باورهای دینی یا فلسفی، دیدگاه‌ها یا

فعالیت‌های ایدئولوژیک، عضویت در اتحادیه‌های کارگری، رسیدگی‌ها یا مجازات‌های اداری و کیفری، اطلاعات

مربوط به تأمین اجتماعی، یا اطلاعات مربوط به وضعیت سلامت یا زندگی جنسی افراد است... در مواردی که قانون

ایجاب کند، رضایت صریح (opt-in consent) را اخذ خواهیم کرد.» (Ellucian، آوریل ۲۰۲۴، بخش «افراد

ساکن منطقه اقتصادی اروپا»؛ تأکید از متن اصلی)

از آنجا که بسیاری از دانشگاه‌های ایالات متحده دوره‌ها و برنامه‌های آموزشی خود را در خارج از این کشور نیز ارائه می‌کنند،

شمار قابل توجهی از استادان و دانشجویان آمریکایی که در خارج از کشور مشغول تدریس یا تحصیل هستند، مشمول این شیوه‌های

گردآوری داده می‌شوند.

علاوه بر این، دامنه اجرای سیاست فوق به روشنی مشخص نشده است؛ زیرا معلوم نیست آیا چنین اطلاعات حساسی تنها در

منطقه اقتصادی اروپا و بریتانیا گردآوری می‌شود یا در سایر کشورها نیز همین رویه اعمال می‌شود. افزون بر این، عبارت آغازین

نقل قول فوق - «ممکن است ما این داده‌ها را جمع‌آوری کنیم، یا مشتریان ما آن‌ها را در اختیار ما قرار دهند» - نشان می‌دهد که

Ellucian برای خود این حق را قائل است که حتی در مواردی که این اطلاعات از سوی «مشتریان» آن، یعنی دانشگاه‌ها و کالج‌های

استفاده‌کننده از محصولاتش، ارائه نشده باشد نیز اطلاعات حساس را مستقیماً گردآوری کند.

Ellucian اعلام می‌کند که از داده‌های شخصی برای اهداف گوناگونی استفاده می‌کند؛ از جمله بازاریابی عمومی، توسعه

محصولات، تبلیغات در شبکه‌های اجتماعی و اداره و گسترش فعالیت‌های تجاری خود (Ellucian، آوریل ۲۰۲۴، بخش «داده‌های

شخصی مشتریان»).

نکته مهم دیگر آن است که در زمان نگارش این مقاله، Ellucian با ۱۵۲ شریک تجاری همکاری دارد که بسیاری از آن‌ها در

زمینه گردآوری، اشتراک‌گذاری و پردازش داده‌ها برای اهدافی همچون بازاریابی، تجارت، پردازش پرداخت‌ها و سایر فعالیت‌های

اقتصادی فعال هستند (Ellucian، ۲۰۲۴).

یکی از این شرکای تجاری، شرکت Nelnet Campus Commerce، نمونه‌ای گویاست. به گفته Ellucian، خدمات Nelnet به‌طور کامل در خدمات آموزشی این شرکت ادغام شده است:

«سامانه Nelnet Cloud Connector داده‌ها را میان سامانه‌های Nelnet Enterprise، Cashiering و Ellucian Banner مبادله می‌کند. داده‌ها هم از Banner به Nelnet و هم از Nelnet به Banner منتقل می‌شوند. این سامانه اطلاعات مربوط به پرداخت‌های دانشجویان، بدهی‌ها، کمک‌های مالی و اطلاعات جمعیت‌شناختی آنان را استخراج می‌کند. همچنین پرداخت‌ها و محدودیت‌های مالی دانشجویان در سامانه Ellucian Banner ثبت می‌شود.» (Ellucian، ۲۰۲۴، بند ۲)

شرکت Nelnet نیز همانند Ellucian یک شرکت چندملیتی است که اطلاعات مالی و داده‌های جمعیت‌شناختی دانشجویان را در کشورهایی همچون استرالیا، کانادا، شیلی، کلمبیا، مصر، هند، ایرلند، کویت، لبنان، مکزیک، نیوزیلند، پورتوریکو، قطر، عربستان سعودی، سنگاپور، امارات متحده عربی، بریتانیا و ایالات متحده جمع‌آوری و پردازش می‌کند (Ellucian، ۲۰۲۴). این شرکت فلسفه سازمانی خود را چنین توصیف می‌کند:

«تأکید بر ایجاد مزیت رقابتی پایدار، درآمدهای مستمر، حاشیه سود بالا و جریان نقدینگی.» (Nelnet Business Services، ۲۰۲۴)

این عبارت به‌روشنی نشان می‌دهد که ارزش‌های محوری این شرکت عمدتاً بر معیارهای اقتصادی و سودآوری استوار است. در همین راستا، یکی از کارکردهای اصلی Nelnet، ردیابی سابقه پرداخت شهریه دانشجویان به‌منظور «شناسایی الگوها و روندهای مالی در سطح دانشگاه» است. حتی دانشجویان بر اساس میزان به‌موقع بودن پرداخت‌های خود امتیازدهی (Scoring) می‌شوند (Nelnet، ۲۰۲۴).

بنابراین، دانشجویان نه تنها با شهریه‌های سنگین و فشارهای ناشی از تورم روبه‌رو هستند، بلکه هم‌زمان توسط شرکت‌های ثالثی نیز تحت نظارت قرار می‌گیرند که رفتار مالی آنان را به‌طور مستمر رصد می‌کنند. همان‌گونه که در مطالب فوق مشاهده شد، این نوع ردیابی از طریق فناوری‌های آموزشی ارائه‌شده توسط شرکت Ellucian انجام می‌شود.

۲-۳. روش‌های ردیابی

در دانشگاه سیکرد هارت (SHU) و بسیاری از دانشگاه‌های دیگر، دانشجویان و اعضای هیئت علمی که بخواهند سیاست حریم خصوصی شرکت Ellucian را مطالعه کنند، ناگزیر باید به وبسایت این شرکت مراجعه کنند. اما همین مراجعه، خود به سازوکاری برای گردآوری اطلاعات بیشتر درباره کاربران تبدیل می‌شود. در واقع، استفاده از سیاست‌های حریم خصوصی و اعلامیه‌های کوکی (Cookie Declarations) به‌عنوان ابزاری برای جمع‌آوری داده‌های شخصی، امری رایج است.

در همین زمینه، دیده‌بان حقوق بشر (Human Rights Watch - HRW) درباره وبسایت کانادایی CBC Kids - که ظاهراً

با هدف آموزش کودکان طراح شده است – گزارش می‌دهد که کودکانی که برای غیرفعال کردن ابزارهای ردیابی به این وبسایت مراجعه می‌کردند، خود تحت نظارت قرار می‌گرفتند و اطلاعات شخصی آنان به شرکت‌های تبلیغاتی منتقل می‌شد (HRW, 2022). به‌طور مشخص، ردیاب‌های دیجیتالی تعبیه‌شده در صفحه «How to Manage Your Cookies» (چگونه کوکی‌های خود را مدیریت کنید) داده‌های شخصی کاربران را به شرکت‌های Adobe، ChartBeat، comScore، Cxense، Google و Oracle ارسال می‌کردند (HRW, 2022).

شرکت Ellucian نیز از این قاعده مستثنا نیست. صرف مراجعه به وبسایت این شرکت، جایی که اطلاعیه حریم خصوصی و اعلامیه‌های مربوط به کوکی‌ها منتشر شده است، کاربر را در معرض گردآوری داده‌های شخصی قرار می‌دهد.

وبسایت Ellucian اعلام می‌کند که از ۳۵ کوکی – که در واقع اصطلاحی ملایم برای شناسه‌های دیجیتال، ابزارهای ردیابی الکترونیکی و پایگاه‌های داده نمایه‌سازی شده است – برای اهداف آماری و از ۱۰۰ کوکی دیگر برای اهداف بازاریابی استفاده می‌کند (Ellucian, May 2024). برای نمونه، در ادامه یکی از سازوکارهای ردیابی این شرکت با عنوان `_mkto_trk` معرفی شده است.

با کلیک روی پیوند مربوط به Marketo، کاربر به وبسایت شرکت Adobe هدایت می‌شود؛ وبسایتی که خود نیز از کوکی‌ها برای ردیابی و جمع‌آوری داده استفاده می‌کند. افزون بر این، Adobe محصول بازاریابی خود، Marketo Engage، را «بزرگ‌ترین پلتفرم اتوماسیون بازاریابی جهان» معرفی می‌کند؛ پلتفرمی که به گفته این شرکت، «بازاریابی را همواره فعال و در جریان نگه می‌دارد» (Adobe, 2024).

به گفته Adobe، Marketo Engage به مشتریان خود امکان می‌دهد با بهره‌گیری از داده‌های غنی رفتاری، هوش تعبیه‌شده در سامانه و مسیرهای پیشرفته تعامل با مشتری، مخاطبان را شناسایی کرده و تجربه مشتری را بهبود بخشند. همچنین این شرکت ادعا می‌کند که Marketo Engage با استفاده از رفتارهای کاربران در زمان واقعی (Real-Time Behaviors)، پروفایل‌هایی که از داده‌های آنلاین و آفلاین غنی شده‌اند، و نیز هوش مصنوعی، به مشتریان کمک می‌کند مناسب‌ترین محتوا را برای ایجاد تجربه‌ای کاملاً شخصی‌سازی شده در مقیاس گسترده ارائه دهند.

با توجه به این توضیحات، روشن می‌شود که چرا Adobe علاقه‌مند به همکاری با Ellucian و سایر شرکت‌های فعال در حوزه فناوری آموزشی است؛ زیرا این شرکت‌ها منبعی ارزشمند از داده‌های شخصی و اطلاعات مربوط به رفتار لحظه‌ای کاربران برای توسعه پروفایل‌های بازاریابی فراهم می‌کنند.

نویسنده تأکید می‌کند که ردیابی و نظارت تنها از طریق کوکی‌ها انجام نمی‌شود، بلکه از ابزارهای متنوع دیگری نیز بهره گرفته می‌شود. برای مثال، یکی از موارد درج‌شده در فهرست کوکی‌های Ellucian به ردیاب پیکسلی (Pixel Tracker) اشاره می‌کند.

ردیاب پیکسلی تصویری نامرئی با ابعاد یک در یک پیکسل (1×1) است که کاربر قادر به مشاهده آن نیست. این ابزار به

وبسایت‌ها امکان می‌دهد فعالیت کاربران را پایش کرده و تبلیغات هدفمند را به آنان نمایش دهند (Mattu & Sankin, 2020). از جمله فعالیت‌هایی که از طریق ردیاب‌های پیکسلی قابل نظارت هستند می‌توان به مشاهده صفحات وب، وارد کردن اطلاعات پرداخت و انجام خریدهای اینترنتی اشاره کرد.

نمونه دیگری از کوکی‌های بازاریابی Ellucian که به‌ویژه به دلیل اشاره به ردیابی جغرافیایی و پروفایل‌سازی رفتاری اهمیت دارد، در جدول زیر آمده است. ...

این نمونه‌ها نشان می‌دهند که ابزارهای ردیابی مورد استفاده در فناوری‌های آموزشی صرفاً برای عملکرد فنی وبسایت‌ها به کار نمی‌روند، بلکه نقش مهمی در پروفایل‌سازی رفتاری، ردیابی جغرافیایی، تحلیل الگوهای رفتاری کاربران و شخصی‌سازی تبلیغات ایفا می‌کنند؛ امری که به اعتقاد نویسنده، مرز میان خدمات آموزشی و نظارت تجاری را تا حد زیادی از میان برداشته است.

...

۵. نتیجه‌گیری

برای محافظت از دانش‌آموزان در برابر نظارت شرکت‌ها و دولت‌ها، دیده‌بان حقوق بشر (Human Rights Watch) به وزارتخانه‌ها و نهادهای مسئول آموزش توصیه می‌کند:

«دسته‌های ویژه‌ای از داده‌های شخصی حساس را تعریف کرده و برای آن‌ها حمایت‌های خاصی در نظر بگیرید؛ داده‌هایی که هرگز نباید در محیط‌های آموزشی از کودکان جمع‌آوری شوند، مانند داده‌های دقیق مربوط به موقعیت جغرافیایی» (HRW، ۲۰۲۲، بخش «خطاب به وزارتخانه‌ها»).

همچنین این سازمان به شرکت‌های فعال در حوزه فناوری آموزشی توصیه می‌کند:

«بی‌درنگ جمع‌آوری و پردازش داده‌های کودکان را به‌منظور پروفایل‌سازی کاربران، تبلیغات رفتاری، یا هر هدفی غیر از آنچه به‌طور مستقیم برای ارائه خدمات آموزشی ضروری و مرتبط است، متوقف کنند» (HRW، ۲۰۲۲، بخش «خطاب به شرکت‌های فناوری آموزشی»).

به اعتقاد من، این توصیه‌ها نه تنها درباره مدارس، بلکه درباره دانشگاه‌ها نیز صدق می‌کنند. در ایالات متحده، حمایت‌های ناشی از **متمم چهارم قانون اساسی** منحصر به کودکان نیست؛ اگر چنین بود، این متمم دچار نقضی اساسی می‌بود. آزادی‌های مدنی باید ماهیتی همگانی داشته باشند. برای روشن شدن موضوع، اگر دانش‌آموزی پانزده‌ساله در دبیرستان سزاوار حمایت در برابر شرکت‌های سودجویی است که او را صرفاً «موضوع داده» (Data Subject) می‌دانند، چرا یک دانشجوی هجده‌ساله دانشگاه نباید از همان میزان حمایت برخوردار باشد؟ به همین قیاس، دانشجویان بزرگسال و نیز معلمان، فارغ از سن آنان، شایسته چنین حمایت‌هایی هستند.

اگر بار دیگر به سیاست حریم خصوصی شرکت Ellucian بازگردیم، مشاهده می‌کنیم که این شرکت برای خود حق جمع‌آوری اطلاعاتی درباره «منشأ نژادی یا قومی، دیدگاه‌های سیاسی، باورهای دینی یا فلسفی، گرایش‌ها یا فعالیت‌های ایدئولوژیک، عضویت در اتحادیه‌های کارگری، سوابق دادرسی یا مجازات‌های اداری و کیفری، اطلاعات مربوط به نظام تأمین اجتماعی، و نیز اطلاعات

مربوط به سلامت یا زندگی جنسی افراد» را قائل شده است (بخش ۲).

اما پرسش این است که چرا Ellucian به چنین اطلاعاتی نیاز دارد؟ چرا شرکتی که تحت عنوان «ارائه خدمات آموزشی» فعالیت می‌کند باید این حجم از اطلاعات حساس را جمع‌آوری کند؟

در واقع، اگر به‌طور فرضی Ellucian واقعاً مطابق با الزامات قانون حقوق آموزشی و حریم خصوصی خانواده (FERPA) عمل می‌کرد و وظایف یک «مقام رسمی آموزشی» را بر عهده داشت (نگاه کنید به بخش ۳)، انتظار می‌رفت در سیاست حریم خصوصی آن چنین عبارتی درج شده باشد: «ما هرگز اطلاعات مربوط به منشأ نژادی یا قومی، دیدگاه‌های سیاسی، باورهای دینی یا فلسفی، گرایش‌ها یا فعالیت‌های ایدئولوژیک، عضویت در اتحادیه‌های کارگری، سوابق دادرسی یا مجازات‌های اداری و کیفری، اطلاعات مربوط به تأمین اجتماعی، یا اطلاعات مربوط به سلامت و زندگی جنسی افراد را جمع‌آوری نخواهیم کرد.»

آیا برای آنکه بتوانم نمرات دانشجویانم را در سامانه آموزش دانشگاه ثبت کنم، شرکت Ellucian باید از باورهای دینی یا دیدگاه‌های سیاسی من آگاه باشد؟ آیا چنین اطلاعاتی واقعاً برای انجام وظایف روزمره یک استاد دانشگاه ضروری است؟ شاید Ellucian و شرکت Blackstone – همانند برخی مدیران دانشگاهی – بر این باورند که افرادی با برخی باورهای دینی خاص، شایسته اعتماد برای فعالیت آموزشی نیستند، یا اساساً قابل اعتماد نیستند (McDonald, 2022).

به اعتقاد نویسنده، در ایالات متحده و به‌طور کلی در جهان غرب، با نوعی وارونگی ارزش‌ها روبه‌رو هستیم. صرف‌نظر از میزان بی‌اخلاقی یا سودجویی شرکت‌های چندملیتی، این شرکت‌ها عملاً در جایگاه «مقامات رسمی آموزشی» قرار گرفته‌اند و دارای «منافع مشروع آموزشی» تلقی می‌شوند. از این رو، اطلاعات مربوط به سلامت و زندگی جنسی دانشجویان و استادان در اختیار شرکت‌هایی قرار می‌گیرد که مدعی ارائه «خدمات آموزشی» هستند. در مقابل، توانایی دانشجویان و استادان در اختیار شرکت‌هایی اطلاعات، توسط مقاماتی محدود می‌شود که موفقیت را صرفاً با معیارهای مالی می‌سنجند.

زندگی در جریان اصلی جامعه چنان با این وضعیت خو گرفته است که دیگر حتی آن را نامعقول نیز نمی‌بیند؛ گویی همه این امور به بخشی از روال عادی زندگی تبدیل شده‌اند.

دانشگاه، در اصل، نهادی است که باید بتواند خود را اداره کند. اما با توجه به میزان مداخله بازیگران بیرونی در امور دانشگاه، خودگردانی دانشگاهی عملاً ناممکن شده است. به‌جز مواردی معدود، مدیران دانشگاه‌ها همان‌گونه از منافع مالی خود دفاع می‌کنند که مدیران شرکت‌ها از منافع تجاری‌شان و سیاستمداران از حامیان مالی خود. از این منظر، گفتمان حریم خصوصی در آموزش عالی بیش از آنکه ضامن حفظ حقوق افراد باشد، پوششی برای فعالیت بازیگران ثالثی است که داده‌های شخصی را به منزله کالایی اقتصادی تلقی می‌کنند.

با این همه، نویسنده تأکید می‌کند که مسئولیت این وضعیت را نباید تنها متوجه طبقه سیاسی و هم‌پیمانان مدیریتی آن دانست. هم‌نواپی (Conformity) و سطحی‌نگری (Shallowness) – که نویسنده آن‌ها را دو ستون اصلی «مادی‌گرایی سکولار» می‌داند

— در سراسر دانشگاه‌ها و جامعه ریشه دوانده‌اند. در غرب، همواره از آزادی دانشگاهی سخن گفته می‌شود، اما به باور نویسنده، آنچه در عمل وجود دارد چیزی نیست جز آنچه هگل از آن با تعبیر «گونه‌ای از آزادی که همچنان در بندگی گرفتار است» یاد می‌کند (هگل، ۲۰۱۹/۱۸۰۷، ص. ۹۸)؛ یعنی صرفاً ظاهری از آزادی، نه خود آزادی.

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