WHAT DO THE GUARDS THINK?
TRACING THE DISCOURSE OF EMPLOYEE SURVEILLANCE IN ACADEMIC INSTITUTIONS

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ABSTRACT

Surveillance in workplaces and in academic institutions have long relied on strategic discourse to justify and normalize its practices. Scholars have approached this topic from a variety of disciplines, examining the ways this rhetoric leans on campaigns of fear, innovation, and technological determinism to maintain and even exacerbate power imbalances between those who monitor and those who are monitored. But little is written on the discourse surrounding surveillance in environments where the power dynamics are much more equal. Georgetown University Law Center is one such example. An institution of higher education, and widely recognized for its renowned privacy faculty and curricula, the law school is an exemplar of an environment where civil liberties and the individual agencies of both administrators and faculty are championed. But in 2018, Georgetown Law implemented a lecture capture technology called Panopto into every classroom on its campus, where it would record all classes with video and audio.

Through discourse tracing conducted by interviews and thematic analyses, this paper explores the rhetoric deployed throughout Panopto’s initial and continued implementation. While some differences in language do exist, the results of the case study indicate that the language used by the Georgetown Law community strongly reflects that which is commonly associated with environments of much higher disparities in power. This paper situates these findings within
the theoretical framework of a panoptic spectrum – a scale by which explicit, sharp forms of surveillance engender active resistance, while subtle, soft forms of surveillance elicit compliance and docility. Unlike the traditional hierarchical workplace, however, Georgetown Law does not offer a clear distinction between the metaphorical prisoners of the Panopticon and the all-seeing watchers in the tower. Instead, the case study offers a new consideration – though uniformed and in positions of power, the guards who patrol the prison are watched, too. These “guards” of the Georgetown Law community develop a perception of immunity from the sharp surveillance of lecture capture technologies, thus allowing for its propagation through the same discursive practices that justify surveillance elsewhere. By shining the tower’s light on the surveillance discourse in horizontally structured workplaces, the paper answers an important question: what do the guards think?
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One of the first questions they ask students when they arrive at CCT is “who is your community?” You all are mine.
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“But how do you know who's a watcher and who's a prisoner?”

“That's the point. Even the watchers are prisoners.”

- Robyn Schneider, The Beginning of Everything
INTRODUCTION

Surveillance is a constant presence in all of our lives. It can take the shape of a video camera hanging from a city corner or an online advertisement reflecting our latest browsing history. It can feel like health, tracking our heart rate and our steps for the day, or even like entertainment, collecting our retweets and our photos from social media. It can come as a demand from the government as easily as it can be offered as a favor for a friend who wants to share their location, just in case. Surveillance grows increasingly meticulous, comprehensive, and ubiquitous day by day, wreaking havoc on elections all over the world, feeding images into databases that fall into the hands of law breakers and law enforcement. Despite this, surveillance is still everywhere.

How did we get here? Have we always been here? Dystopian narratives of an all-seeing entity like that of Big Brother in George Orwell’s Nineteen Eighty-Four have long enjoyed their status as cultural mainstays, inspiring generations of stories that urge us to keep an eye out for the creep of surveillance. And yet, these warnings have done little to curb its expansion over time. Even before wearable technologies and face recognition systems were a reality, the groundwork for today’s monitoring was artfully being set.

The question as to how exactly the current state of surveillance became developed and normalized is one that can be addressed from a variety of disciplines over space and time. Some approach the question from specific angles of design, economics, and law. Others situate the topic into specific countries or communities like the refugee population or the activist groups that organize through social media platforms. With recent advancements in education technology and employee monitoring, much attention has been paid to academic institutions and places of work, in particular. But despite the vast amount of existing literature on surveillance, there still remain
large gaps in our understanding of how and why its implementation is made to feel justified and expected. The research that does exist on this topic largely focuses on the arguments made for the types of surveillance implemented in communities considered high-risk, uncovering rhetorical campaigns of fear, bigotry, and unrest, making promises of progress and accountability. But what about when surveillance is implemented in an environment where these imbalances of power and agency are significantly less unequal?

Georgetown University Law Center (GULC) is one such case. A premier law school recognized for its renowned privacy scholars and curricula, it serves as an exemplar for an environment where civil liberties and individual agencies are honored and encouraged among administrators and faculty alike. Professors in academic institutions enjoy many freedoms not typically granted to employees who work in traditionally hierarchical workplaces. But, in the Fall of 2018, Georgetown University quietly migrated from the classroom technology Echo360 to Panopto – the leading video platform provider in higher education. Though both technologies offered lecture capture services, Panopto was chosen to replace its predecessor for its ability to record and store video content at a near-constant rate. At the time of transition, little information had been shared about who was involved in this decision-making process and what justifications had been made for and against the technology. Still, by the start of the semester, each school within the greater Georgetown University had implemented the lecture capture technology into their campuses.

GULC, in particular, turned the migration to Panopto into an opportunity to expand surveillance. Virtually every classroom on campus was fitted with Panopto equipment, including a video camera situated in the middle or back of the room. The camera would remain on throughout the day and would automatically begin and end recordings based on the class
schedule programmed in the backend. Panopto could capture a variety of things – the video, first and foremost, records the actions and words of the professor at the front of the room, as well as any actions and words of students in front of and around the camera. The desktop computer records its own screen, capturing the slides or the browsing activities conducted on the machine, while a personal laptop can be plugged into the equipment for even more content capture. For the majority of Georgetown Law students, these recordings are uploaded onto Georgetown’s Panopto platforms, as well as each course’s individual Canvas page, and made available to watch throughout the semester.

This paper utilizes GULC’s adoption of Panopto as a case study by which we can examine the discursive practices surrounding its implementation process. We begin with Chapter I, which situates this research within the broader employee surveillance and educational surveillance literature that spans centuries of industrial and technological progress. This chapter roughly divides the existing research into four relevant sections, first examining the development of employee surveillance during times of industrialization, and then giving an overview of the theoretical panoptic landscape. The second section continues analysis of surveillance discourse through the technological advancements made in the Information Age. The third section shifts to a focus on the surveillance rhetoric present in academic institutions, and the final section turns to the sparse amount of writings available on lecture capture technologies, specifically. The chapter concludes by identifying gaps in the literature and making a case for the contributions of this paper.

In order to best analyze the details of the Panopto implementation process and the justifications made by the parties involved, this paper approaches the research question from the method of discourse tracing. Chapter II explains the decision behind the method and its use of
interviews and thematic analysis to collect and analyze the data. Further, I elaborate on the ways discourse tracing offers multiple levels of data in order to examine a wide range of rhetoric and to lift out their interactions and intersections. Chapter III is organized into three sections, each representing the level of data collected in pursuit of the research question. The first section thematically organizes micro-level data from five interviews with participants who were intentionally selected for their role in the initial and continued implementation of Panopto on Georgetown Law’s campus. The second section similarly groups meso-level data collected from a variety of Georgetown and Panopto documents, including official policies and website content. And the final section incorporates the macro-level historical and contemporary backdrop of monitoring on employees and academic institutions described in Chapter I into overarching laws and ideologies surrounding surveillance.

These three levels of data – micro, meso, and macro – come together in Chapter IV. The rhetoric of interviews and official communications, from the initial discussions of migration to the continued use of the technology in the classroom, are analyzed for the ways they reflect the discourse around surveillance in communities with imbalanced power dynamics. From there, the paper situates these findings within the theoretical framework of a panoptic spectrum – a scale by which explicit, sharp forms of surveillance engender active resistance, while subtle, soft forms of surveillance elicit compliance and docility. Unlike the traditional hierarchical workplace, however, Georgetown Law does not offer a clear distinction between the metaphorical prisoners of the Panopticon and the all-seeing watchers in the tower. Instead, the case study offers a new consideration – though uniformed and in positions of power, the guards who patrol the prison are watched, too. These “guards” of the Georgetown Law community develop a perception of immunity from the sharp surveillance of lecture capture technologies,
thus allowing for its propagation through the same discursive practices that justify surveillance elsewhere. By shining the tower’s light on the surveillance discourse in horizontally structured workplaces, the paper answers an important question: what do the guards think?

Finally, Chapter V concludes with implications of this research, especially as it pertains to similar phenomena. This section also includes opportunities for future research, highlighting the need for greater analysis of surveillant practices at the “top,” as well as the implications of surveillance justifications that are made for those with greater agency and power.

Definitions

Throughout the paper, I use the terms “surveillance” and “monitoring” interchangeably to mean the observation of a person’s activity, behavior, and identifiable characteristics, such as their appearance, name, and personal information. This observation can occur in a variety of ways, not limited to space or time. Human-to-human visual observation, technological capture, and record-keeping data all fall under this definition.

The paper also interchangeably uses the phrases “worker surveillance,” “workplace surveillance,” and “employee surveillance” to indicate the use of surveillance on employees in any work-related environment. Though the vast majority of this phrase is used in this paper to characterize top-down surveillance, existing research sometimes employs “workplace surveillance” as a broader term to encompass bottom-up surveillance, self-surveillance, and peer-surveillance. Cases when these other power structures are the subject at hand are clarified in this paper.

Similarly, the paper describes surveillant practices utilized in academic institutions as either “educational surveillance,” “school surveillance,” or “surveillance in academic
institutions.” All phases regarding this phenomenon in the paper are overwhelmingly used to describe the mechanisms by which individuals at the top, such as school administrators, surveil those below, such as students and faculty.

**Georgetown University Law Center Background**

GULC, located in Washington, D.C., is one of the professional graduate schools of Georgetown University. With around 2,000 students in its J.D. and graduate programs, it is one of the largest law schools, and currently sits in the 14th spot of the U.S. News law school rankings. GULC is also ranked as the top program for clinical training.

While GULC offers comprehensive legal curricula, the institution is also recognized for its renowned privacy law faculty. Courses in the subject approach the legal field holistically, from communications and technology to health and public policy, and the institution also offers three clinics directly related to issues of privacy. GULC also houses several student groups and think tanks associated with privacy, such as the Cyberlaw Association and the Center on Privacy & Technology.

**Panopto Background**

Panopto is a software company that offers a variety of video and platform services, including lecture capture recording, live streaming, content management, and editing software. Founded in 2007 by two Carnegie Mellon University professors, the company has scaled tremendously, boasting over 1,000 business and academic institution clients all over the world. Today, it is the leading video platform for higher education.
Lecture capture technology allows individuals to record their classes using video and audio technology. These technologies are popularly used to aid students with learning and physical disabilities, as well as distance learners and those with demanding schedules. Panopto offers lecture capture software that not only records with video and audio, but can also capture the activities and content of multiple computer screens and other video and audio. This combination of multiple feeds expands the experience of watching a recorded lecture, as it could potentially portray a lecturer’s body language, the visual presentation material, and the engagement of the students all at the same time. In order to maximize its capabilities and minimize technological set-up, Panopto’s lecture capture software was developed in conjunction with academic faculty and education technology experts.
CHAPTER I: LITERATURE REVIEW

In order to investigate the implementation of Panopto at GULC, I first acknowledge that this event is situated at an intersection where many diverse academic fields overlap. Over the course of centuries, employee surveillance and educational surveillance have taken shape through rich multi- and inter-disciplinary literature spanning areas such as economics, ethics, law, political science, and communication. To properly articulate the contributions of every field to the subject would be impossible, and so this paper focuses only on a narrow subset that directly relates to the themes present in Panopto.

While literature on the discourse behind employee surveillance and educational surveillance defy clean chronology and segmentation, for structural purposes, this review divides the existing research into four sections: 1) the mechanisms and development of employee surveillance preceding and during industrialization, 2) new and existing methods of surveillance in the Information Society, 3) surveillance in academic institutions, and 4) analysis on lecture capture technologies.

Mechanisms and Development of Employee Surveillance Preceding and During Industrialization

Literature on employee surveillance stretches back to the beginnings of civilization, from the organization of large-scale pyramid and irrigation work in Ancient Egypt (Ezzamel, 2004) to Plato’s lectures on the societal ties between workers and leaders (Plato et al., 2016). But much of this early research on employee surveillance only tangentially comments on the actual justifications of surveillance itself. Instead, the literature is more concerned with broader questions of effective leadership strategy and societal structure, the answers to which reference vague, overarching reasons for monitoring but do not focus on them. These early writings exist
under many academic labels, including epistemology and political philosophy. Confucius’ principles of benevolence and wisdom, for example, are widely studied as broader works of ethics, though they can and do apply to surveillant management practices in the workplace (Woods & Lamond, 2011). And Machiavellianism is often studied under the microscope of psychology, though the manipulative and punitive behavior traits associated with the Italian philosopher’s works are routinely deployed to control employees (Gkorezis et al., 2015).

Though early employee surveillance could afford to focus on acts of leadership, as communities grew larger and more complex, it became apparent that leadership was not enough to structure the work in wider societies (Witzel, 2012, p. 10). The Industrial Revolution introduced a radical shift in the workplace – affecting everything from sources of power to worker demography – and its role in the changing nature of employee surveillance is widely documented. Some historians have pointed to the failures of decentralized factory supervision as reasons for how more developed systems of employee surveillance were rationalized (Stearns, 2013, p. 71). Additional reasons that have been explored include inadequate worker knowledge of machines (p. 71) and larger work forces to account for (p. 33). Other researchers have more broadly explained the advancement of employee surveillance as a means to combat a “crisis of control.” The need to keep up with the staggering growth of industrialization introduced an unprecedented crisis where managers needed to keep records, create reports, and collect data to stay afloat (Beniger, 1989).

Beyond the rhetoric deployed to develop surveillance, research on this period also reveals the effects of increased monitoring on workers, including the growing divide separating them from their managers. Stearns (2013) comments on the new ubiquity of work, as industrialized labor forces were pushed to work harder and longer hours than their preindustrial counterparts
(p. 35). He also writes about workers’ perceptions of worth in society. As tasks became increasingly more specialized and segmented, workers lost sight of their contributions to the final product of their labor (p. 72). These newfound costs and demands of factory growth led to increased tensions between workers and the workplace. Researchers have long documented the clashes of the machine-breaking Luddite Movement, the Homestead Strike of 1892, and the Pullman Strike of 1894 as violent lessons on what could happen when workers felt “hostility towards devices which take the bread out of the mouths of honest men, gave way to encouragement of profit-making enterprise, at whatever social costs” (Hobsbawm, 1964, p. 15). Mills and factories were burned to the ground as hundreds of thousands of workers went on strike across the world (Schneirov et al., 1999). Employees protested the machines that not only contributed to their maltreatment but also threatened their very existence (van der Laan, 2016, p. 76). Literature during this time referenced these changes in the workplace and greater society, with Samuel Taylor Coleridge (1832) criticizing the prioritization given by managers to commerce (p. 170) and Mary Shelley (1974) cautioning against the temptation of promises that science and technology offered in *Frankenstein*. After visiting New Lanark Mill in Scotland, the poet Robert Southey described how the surveillance of workers by management transformed them into machines at the expense of their personal happiness (Southey, 1812, p. 111). Similarly, Thomas Carlyle warned against the appropriation of technology by managers to govern and shape every aspect of their workers’ lives to run like a smoothly oiled machine (Carlyle, 1829, p. 448).

In an effort to restore harmony between workers and managers, individuals offered possible management solutions to create order and structure in new ways. One of the earliest of these solutions came in the form of an architectural scheme named the “Panopticon.” A circular
building wrapped around an all-seeing rotunda, the Panopticon offered managers a way to
prevent any unwanted behavior. Those in power had 360-degree visual access to the surveilled
from inside the tower (Bentham, 1791, p. 23), while the people below – whether they be
prisoners, patients, or employees – were under constant surveillance. There exists a rich body of
literature on the Panopticon – the most famous of which comes from the French philosopher
Michel Foucault. In his book *Discipline and Punish* (1995), Foucault used the architectural
scheme to illustrate the ways that constant observation would engender self-discipline and
conformity to the expectations of those in power. In the Panopticon, power was granted through
the economy of visibility. While those in the cells were subjected to compulsory visibility, the
powerful in the tower enjoyed their lack of visibility (p. 187).

Since the book’s debut, the Panoptic model has become synonymous with the topic of
surveillance (Haggerty, 2006, p. 23). More recent research on the Panopticon, however,
challenges Foucault’s theory that the economy of visibility is so easily transformed into power.
Bogard (2006) points out that some types of surveillance have no normalizing, disciplining, or
conforming effects (p. 99) and are thus neglected in the Panoptic model. Other studies look at the
ways that people reject the passive role of observation and appropriate it for their own gain
(Koskela, 2006, p. 23). David Lyon (2006), on the other hand, argues that the panoptic model has
its own breaking point. When visibility is applied subtly, in soft forms that might promise mass
individuation and mask its true intentions, those who are watched become docile, conforming to
the expectations of the watchers. But when surveillance is exercised too tightly and tilts the
spectrum towards the sharp end, it is met with active resistance and a reclamation of personal
agency. Lyon calls this model the panopticommodity (p. 8).
While the Panopticon was never successfully built during the Bentham brothers’ lifetimes, its influence on surveillance discourse took hold in the other solutions that emerged in the Western world. Embracing the rhetoric of visibility as control, a rich and complex history of management science was born.

Management Theories Emerge from Industrialization

As an academic field, management science is robust, its research impossible to untangle from the discourse surrounding employee surveillance. During periods of industrialization, management science relied on several different arguments to justify surveillance on workers. A subset of the field, scientific management, was an especially influential response to the Industrial Revolution’s crisis of control. Using the rhetoric of “fairness,” Frederick Winslow Taylor, an engineer at the Midvale Steel Company, created a system that promoted the extreme and detailed monitoring of workers. Taylor urged managers to watch and time their employees in order to discover the optimal speed at which any task could be completed. The workers who successfully met their time goals were rewarded for their efficiency, gaining a larger share of profits than those who worked at a slower pace (Taylor, 1895). Taylor continued to promote worker surveillance with experiments that led to even more atomized findings – justifying the ways that the workplace environment should be organized to increase visibility and speed in the name of efficiency.

Though Taylor is commonly cited as the father of scientific management, many other scholars contributed their own arguments to the field. Henry Gantt (1919) of the Gantt Chart expanded on Taylor’s theory by proposing a bonus system that would offer workmen additional pay for completing their tasks more quickly than the expected rate (p. 107). Other theorists like
Henri Fayol and Harrington Emerson argued for the need for employee management to engender homogeneity in workplace spirit – Fayol arguing that individual interests be subordinate to greater corporate goals (1949), while Emerson believed efficiency was a goal that could only be achieved if all the actors were aligned in discipline and direction (1912, p. 149-150). Like Taylor, these theorists relied on testing to develop their arguments, with Emerson explaining: “The principles of efficiency are not vague platitudes; they are intensely practical, tested, tried out, and successful (p. 159).”

Other scholars of the field turned to more human-focused ideals in managing and surveilling employees. Some, like Robert Owen, believed that efficiency and harmony could be best achieved when managers struck the right balance between monitoring and investing (Owen, 1812). Maintaining a worker’s happiness by relinquishing total control of their lives was the way to get the most return on capital (Owen, 1815). Without this freedom, workers would fail to instill in themselves an ethical outlook allied with discipline and loyalty, which would result in frustration, disorder, vice, perfidy, and corruption (Klass, 1954, p. 91). Lillian Gilbreth proposed that supervisors be aware of the “right traits” that an ideal worker would have for a given task and carefully hire those who have them (Gilbreth, 1914). In order to determine which candidates possessed the correct traits for employment, Gilbreth developed personality and psychological tests to determine the character traits of potential employees, justifying this surveillance with the argument that the best candidates would perform the most effectively (Saval, 2014, p. 61).

Other scholars used the rhetoric of workplace efficiency to justify other types of managerial strategy. Thomas Whitehead (1936) found that structure formed as soon as workers accomplished something together, and that this resulting group identity created a particular social dynamic in the workplace that could be monitored and appropriated (p. 21). Mary Parker Follett
(1937) echoed this sentiment, arguing that the way to best control the efficiency of a large workplace is to encourage a system of collectiveness and coordination. The process of coordination combined individual ideas to create a sense of shared attachment to the end result. “Are we not every one of us bound to take some part consciously in this process? Today we are slaves to the chaos in which we are living. To get our affairs in hand… we must learn… the methods of collective control” (p. 169).

World War II: Effects on Employee Surveillance

Beyond the Industrial Revolution, scholars have also written about the intensification of industrialization during World War II for its subsequent effects on employee surveillance. While the first world war ushered in feelings of peace and harmony that reached the workplace, World War II provoked a resurgence in science and technology. Researchers like Adler (2003) frame the shift in surveillance tactics as a cycle, swinging back towards testing and organizational control and away from human relations. These decades after the second world war also “returned some of the absolute authority to managers that they had lost in the 1930s and 1940s” (McLaren & Mills, 2008). Especially in the wake of the Cold War, when American capitalism was ideologically pitted against the peril of Soviet communism, attributes like strong leadership and hierarchical organization were touted as elements of superiority (p. 396). Powerful managers symbolized a powerful economy, and thus the pendulum swung even further towards surveillant practices.

These practices took the form of increasingly meticulous testing and monitoring, such as methods-time measurement, which was widely implemented across American and European businesses in the mid-20th century. While Taylor’s theory required that a manager be present to
discern the optimal time for a given task, this new system simply pre-determined the amount of
time a task would take, eliminating all need for human judgment that could introduce error. The
war had pushed science and technology back into the spotlight, creating a foundation for more
technology-mediated surveillance in the workplace.

New and Existing Methods of Surveillance in the Information Society

Despite the language surrounding the Industrial Revolution, industrialization did not
occur and end as a single fantastic event in history. As technologies became more advanced, new
industries formed around them, and industrialization continued to rely on discourse of efficiency,
control, and fairness to shape the workplace and its organizational structures. Much literature has
been dedicated to documenting this shift into a new age of industrialization – one that moved
away from manufacturing processes to information processes. While surveillance had long been
embedded into the infrastructure of work, computers and the digitization of information created a
sense of comprehensiveness and perpetuity in employee record keeping. Technologies continued
to get faster, smaller, and more complex, opening the door to faster, smaller, and more complex
surveillant practices. In this new age of work and organization, technologies, including
information and communication technologies (ICTs), complemented and replaced the limitations
of physical visibility.

Today, these surveillant technologies are virtually everywhere. A 2007 survey of 294
U.S. companies by the American Management Association and the ePolicy Institute found that
over a third of large companies employed workers to read outgoing emails. Of that third, around
75% also monitored employee Internet activity, and nearly half tracked content, keystrokes, and
time spent on their laptop. Other reports have found that nearly 75% of all American companies
surveil the communications and activities of the workplace in some capacity (Armstrong, 2000). More recent statistics reveal that 41% of large companies surveil emails when their size grows beyond 20,000 employees (Proofpoint, Inc., 2008, p. ii), and 62% of employers with field employees have used GPS to track their movements (Chesler, 2013). Regarding the extent of pre-hiring surveillance, a poll by CareerBuilder found that 70% of hiring managers surveil the social media profiles of potential candidates (PR Newswire, 2017).

Scholars have written extensively on the capabilities that these tools bring, such as facial recognition software that can verify identities (Jain et al., 2006), read employee’s emotions for adequate enthusiasm (Truong, 2014), and even make judgments of people’s qualities and characteristics based on their facial features (McStay, 2018). Other surveillant uses of these tools include taking randomly-timed screenshots of computer screens to monitor employees’ activities (Wakefield, 2004), detecting anger through raised voices or other auditory cues (Shellenbarger, 2008), taking measurements of the physical body and making recommendations based on these metrics (Bort, 2014), scanning retinas and fingerprints for identification purposes (Ajunwa et al., 2017), testing drug and alcohol consumption (Gilliom, 1994), and even becoming physically tracked through an embedded RFID microchip in the body (Metz, 2018). Research on the pervasiveness and precision of these mechanisms is also extensive. For example, McClelland (2012) writes about the ability of technologies to gather extremely detailed measurements of workers’ movements during a shift at an Amazon warehouse, while Shahani (2014) examines the ways employers can record every keystroke made on a computer. Sensors placed on employee identification badges can track who is talking to whom, for how long, with what tone of voice, and the pace of their speaking, all in the name of customer service best practices (Brustein, 2013).
Researchers have also found that surveillance through advanced technologies are increasingly utilized throughout the hiring process, before an employee even steps foot inside a workplace. Internet-based recruitment is on the rise, with managers screening potential candidates through social media profiles or with third-party investigative providers (Ajunwa et al., 2017, p. 91), and resumes are examined for specific keywords and phrases with data-mining technology (Searle, 2002). The affordances of these tools offer managers increasingly visible sources of applicant information outside of conventional contexts (Brown & Vaughn, 2011), possibly more than even Gilbreth could have desired.

While the vast majority of rhetoric behind these advancements reflect the same ideals of efficiency, fairness, and control preached during the 19th century, scholars have pointed out several other discursive practices used to justify surveillance. Some have identified goals of safety, such as personal security from crime or theft (Mc Cahill & Norris, 1999) and protection from legal liabilities (Ajunwa et al., 2017), employee discipline (Sewell, 1998), mass individuation through participation (Whitaker, 1999), sustainability (Ajunwa et al., 2017), and health and wellness (Brown, 2016). And there are other instances where surveillance is not outwardly justified at all, but simply conducted in secret. Weber and Dwoskin (2014) write about the ways that human resources personnel circumvent the law that protects employees from being asked about their mental illness, namely through precisely-worded questions that ask about mood changes and behavior.

The ethics of this rhetoric – or lack thereof – have sparked some debate in the literature, with various researchers arguing that surveillance is inherently a neutral concept (Petrovic, 2018), while others maintain that the monitoring and measuring of employees signals recognition of organizational goals above and possibly at the cost of worker welfare (Ball 2010, p. 89). Some
scholars believe that these discursive practice merely provide cloud cover for employers to expand into more intrusive practices (Rosenblat et al., 2014).

The literature also examines the reasons behind the success of surveillance rhetoric. Marx (2005), for example, attributes the sway of rhetoric to its soft power. Contrasted with demands of compliance, rhetoric is often deployed in such a way that it elicits volunteerism from workers. Its arguments are persuasive and can be molded to fit the community’s specific needs (Marx, 2005), or they can be quietly misleading to elicit consent (Pollach, 2005). Other research cites the ubiquitousness of technology as the reason behind successful surveillance implementation, as employees have widespread Internet access and can transport their smartphones and laptops from the workplace to their homes. As the physical boundaries of the traditional workplace expand, so too can the expectations of their behavior and their efficiency (Hung et al., 2011).

But other research shows that employees sometimes opt into or otherwise accept surveillance not necessarily because the rhetoric is successful, but out of concern for personal socioeconomic standings. In one case study, researchers found that CVS offered an optional health-screen program to its workers which required disclosure of their weight and sexual activity. Employees who chose not to enroll faced a health care plan that cost $600 more per year than those who did (Berman & Stuart, 2014). Especially when employee programs are paired with “moments of exception” – significant events that can be used to justify monitoring – those who refuse to enroll or provide information are considered more suspicious (Bigo, 2006). With all of the rhetoric, secrecy, and socioeconomic privilege ingrained in contemporary mechanisms, employee surveillance is seen as not only a necessity but “a normal, taken-for-granted element of working life” (Ball, 2010, p. 89).
Predictably, there is a plethora of research that investigates the effects that these surveillance ICTs have once they are successfully implemented in the workplace. Ball (2010) notes that the impacts of employee surveillance in the workplace have been debated since at least the early 1980s, when the U.S. Office of Technology Assessment published multidisciplinary perspectives on the subject (p.88). Since then, research on these effects include, but are not limited to, increased power imbalances between workers and managers (Zureik, 2003), discriminatory hiring practices for those with African American sounding names (Bertrand & Mullainathan, 2004), discriminatory behavior from religious identification (Ali et al., 2015), perpetuating otherness of Asian American workers (Kawahara & Van Kirk, 2004), social sorting that constructs differences among groups of people and acts on this segmentation (Gandy, 1993; Haggerty & Ericson, 2006), disproportionate testing of low-income workers (Fisher, 2006), chilled speech and behavior (Halpern et al., 2007), influence on which jobs and priorities are deemed most important in a workplace (Brewer, 1995), appropriation of the surveillance for other purposes (Sewell, 2014), invasions of privacy through unauthorized third-party usage of personal information (Ajunwa et al., 2017), extreme personalization in advertisements and other capitalistic ventures (Zuboff, 2019), the creation of filter bubbles from personalization (Parisier, 2011), a sense of security for the public against criminals (Roberts, 2012), and a sense of security for workers against employers (Koeppel, 2011). Surveillance research on service work also reveals the formation of new relationships between employees, customers, and managers, as well as greater stakes. Ride-sharing companies like Uber and Lyft rely on riders to evaluate drivers, and vice-versa, through a rating system that complements the management-driven surveillance of drivers, such as location and speed tracking (Rosenblat, 2018). Similarly, gig workers and businesses are evaluated by their customers on platforms like Yelp, which have direct effects on
their success and livelihoods (Parikh et al., 2014). Beyond customer-surveillance, other types of workplace surveillance include sous-surveillance (Mann et al., 2002) and peer-surveillance (Sewell, 1998).

Paradoxically, another possible effect of employee surveillance is the production of behaviors it was meant to prevent – sometimes referred to as the “transparency paradox” (Bernstein, 2012). Workers who believe that their employers are overstepping boundaries of accessible monitoring may try and subvert their surveillant tactics (McCahill & Norris, 1999) through acts of resistance and sabotage (Frenkel et al., 1998). Resistance to surveillance by ICTs takes shape in many disparate ways. For some, it looks like deploying more data in order to obfuscate an employee’s true identity and preferences (Brunton & Nissenbaum, 2015). For truckers, it looks like falsifying logbooks to destroying or hacking measuring devices in their trucks (Levy, 2015). And for the web savvy, it might come in the form of a website with the URL of how much their company “sucks” (Gossett & Kilker, 2007). Scholars also write about the transparency paradox, whereby the surveillance of employees actually reduces their efficiency due to time and effort spent concealing behavior (Bernstein, 2012). In these cases, research shows that increases in privacy significantly improves performance, experimentation, and relationship building in the workplace (pp. 200-201).

Research on the ways that the law interacts with employee surveillance is also widely available from a variety of angles. For some scholars, employee surveillance itself is a contested concept. Rothstein (2000) writes that a worker’s right to privacy is severely limited once they step foot into the workplace – a justification far removed from the arguments that employees should actually be afforded more privacy than they currently enjoy (Wesche, 2002). Like management theory, the laws themselves also rely on discursive practices that echo those used
during the Industrial Revolution and in the Information Age. In order to rationalize and propagate surveillance on workers, the Occupational Safety and Health Act of 1970 relies on explanations of personal well-being, accountability, and protection from future claims (Frye, 1997, p. 185). To this day, occupational injuries are framed as costs to companies that necessitate even more employee surveillance (p. 186). There is also much literature on extant legal protections, especially on the ways they fail to adequately address or mitigate surveillant practices. Ajunwa et al. (2017) argue that the laws that do exist to protect workers were designed to protect against discriminatory practices rather than invasions of privacy (p. 113). Rothstein (2000) also notes that when employees use company-provided equipment, they are presumed to have minimal expectations of privacy regarding the information contained on that equipment (p. 383). And if they are notified of any surveillance in any way, then the law presumes no expectation of privacy at all.

It is also well documented through court cases that public employees have no reasonable expectation of privacy at work (City of Ontario v. Quon, 2010), workspaces are subject to search without permission (O’Connor v. Ortega, 1987), and electronic devices provided to employees belong to the employer and can be searched without permission (Quon, p. 762). Private companies are afforded even more lax terms, where access to employment can come at the demand of acquiescence to surveillance practices (Wilborn, 1998, p. 825). Although the Electronic Communications Privacy Act of 1986 makes the interception and monitoring of electronic communications unlawful, it does not apply to communications that pertain to businesses, especially when those communications are on company-owned devices. Similarly, while the Computer Fraud and Abuse Act prohibits unauthorized access to computers, it does not apply to company-owned devices or binding surveillant company policies. On the other hand,
some states have included privacy protections for employees in their constitutions – the California Constitution going so far as to protect data privacy. While some states do include privacy protections for employees through their constitutions or through state laws, researchers have argued that they give employers legal safety nets to avoid litigation rather than uphold workers’ dignity (Fiore & Weinick, 2008).

There have been incidents that highlight how new methods of employee surveillance through ICTs test the hazy line between what is considered acceptable and unacceptable monitoring. In Ferguson v. City of Charleston (2001), the U.S. Supreme Court ruled that the Medical University of South Carolina’s use of urinalysis to detect drug use in pregnant employees violated their Fourth Amendment rights to be free from unreasonable searches, not because drug testing was an invasion of personal privacy, but because the positive drug use results were subsequently given to law enforcement (Weiner et al., 2001).

**Surveillance in Academic Institutions**

Similar to literature on employee surveillance, research on surveillance in academic institutions has spanned many decades of time, covering several shifts in its mechanisms and its discursive practices. Early research on the topic often framed monitoring as a way to build good leaders and citizens in the classroom. In the late 20th century, Anderson and Evertson (1978) compared two types of teachers in a study to determine which kinds of teaching behaviors would better serve their students. The paper determined that a teacher who could constantly monitor their pupils – not to catch them in misbehavior but to successfully diagnose their needs – would help create a well-managed classroom (p. 38). Likewise, others have written about classroom monitoring being a tool for the ultimate goals of leadership, healthy school climate, and strong
achievement (Squires, et al., 1983). Rather than be used to implement total control over children or to maximize their efficiency in the classroom, mechanisms like “good day cards” and phone calls to parents could be used to promote self-governance (Trice, et al., 1983). Despite the language of these justifications, these reasons are still rooted in the rhetoric of scientific management. Monitoring classrooms might have promoted student leadership and bettered individual conduct, but its ultimate goal was school efficacy (p. 91) – quantified and tested through models and studies to find the most efficient and methodical solutions.

But starting in the 1990s, following the mass shooting at Columbine High School, research on surveillance in academic institutions largely shifted its weight onto the rhetoric of safety and violence. Often, this research characterized the monitoring of students and school grounds as being part of “antiviolence” or “zero-tolerance” policies that were meant to prevent harm and preserve the wellbeing of students and faculty (Muschert & Peguero, 2010; Larkin, 2009). While earlier school surveillance literature had documented mechanisms of attendance records and behavioral write-ups in the classroom, the “Columbine Effect” – a phenomenon used to explain increasingly punitive and intrusive monitoring policies in schools (Cloud, 1999) – introduced new ways to surveil. The presence of law enforcement grew widespread, transparent backpacks became mandatory, and random searches of student property occurred more frequently than before (Kupchik & Monahan, 2006).

Scholars note that the Columbine Effect turned safety into a commodity, with security equipment making promises to keep schools secure from threats, though no product can truly guarantee safety (Casella, 2010). Even today, these new equipment complement or replace human-led monitoring in the classroom, much like they do in the workplace. Despite the evidence that schools are some of the safest places for young people to be (Monahan, 2006, p.
109), in the U.K., it is estimated that 85 to 90 percent of schools have CCTV. The U.S. similarly reports that 85 percent of high schools, 73 percent of middle schools, and 51 percent of elementary schools use security cameras (Taylor, 2013, p. 16). Other “safety” technologies in place include metal detectors, face recognition software, other biometric identifiers such as fingerprint readers, internet tracking software, and RFID-chip identification cards (Taylor, 2013).

The ways that laws uphold this turn towards security are well-documented in the literature. Simon (2007) examines the impact that the Safe Schools Act, which provided funds for Canadian schools that could demonstrate existing crime problems, had on the development of data collection systems that categorized crime broadly. Torin Monahan and Rodolfo Torres (2010) write about No Child Left Behind (NCLB), which funded schools for referring students with weapons to the criminal justice program; the Safe Schools Initiative, a collaboration between the Secret Service and the Department of Education that led to student profiling and mass security system implementation; and federal grants offered by the Department of Homeland Security, which encouraged the use of surveillant ICTs on students and faculty.

But the fear of shootings and other acts of violence is not the only contributing factor to this shift in school surveillance. An extensive amount of multidisciplinary research is devoted to the neoliberal rhetoric in education. As an ideology that supports private enterprise through the creation of distrust of public institutions, neoliberalism played an important role in directing money and attention to the techno-security industry (Casella, 2006). Neoliberalism was also bolstered by the popular “when, then” rhetoric perpetuated by school administrators who transformed dangers like school shootings into events of inevitability (Elmer & Opel, 2006). Schools that refused to apply for federal funds promoting securitized surveillance were branded as irresponsible (Casella, 2006), while those that did used language around collective good and
accountability policies to further construct pervasive school surveillance as necessary (Lipman, 2010).

Some scholars argue that cameras and other advanced ICTs were also welcomed into school properties because of their potential to represent power and symbolize upward mobility. Casella (2010) points to advertisements for security equipment to show that they include all sorts of people in their ads, in traditionally middle-class, safe-looking environments. By doing so, school surveillance becomes welcoming and natural – something that is for all schools, not just “bad” ones, and something that can help mend the social anxiety and inequality (Casella, 2006). Though they could be hidden to better fulfill their security duties, cameras are often plainly visible because they look good (Casella, 2010, p. 81). Faculty and students are said to prefer more “attractive” classroom spaces, which guide schools toward designs that can incorporate advanced classroom technologies (Niemeyer, 2002, pp. 1-2). Helpfully, corporate perks and pro bono equipment installation is offered to ease the transition and financial burden of surveillance implementation in schools (Casella, 2010).

Moreover, some recent research examines the ways that surveillant ICTs have made their way into the classrooms through rhetoric of pedagogy. George Siemens and Phil Long (2011) argue that learning analytics in classroom technologies provide the opportunity for teachers to enact substantial change on students’ individual learning capabilities, while other scholars highlight the capabilities for collaborative learning (Yau, et al., 2003). Still others describe the surveillant data collection of smart classroom technology in an effort to argue that these records are beneficial for learning (Chen, et al., 2002). On a more logistical note, Casella (2010) notes that security equipment is increasingly integrated with other parts of building management, such
as temperature and lighting, which makes installment of these surveillance technologies easier and more inevitable (p. 80).

But much of these surveillance tools in classrooms cannot deliver on their promises. Gilliom (2010) points out the symbolic politics of school surveillance technologies being pushed into the market with premise messages of increased opportunities (p. 206). Student and faculty achievement, then, become technologically determined – rather than socioeconomic status, pedagogy, school environment, or any other consideration, it is the surveillance that causes increased opportunity.

Scholars have also examined the effects that school surveillance has on students. Though schools have long been spaces for free expression, discovery, error-making, and personal growth, surveillant technologies increasingly chill the risk-taking that is beneficial to a learning environment (Hope, 2010, p. 239). Kupchik and Bracy (2010) point to the presence of School Resource Officers (SROs) as a way to criminalize behaviors that are not threatening to safety, such as dress codes. They also reveal the potential for SROs to infringe on a student’s right to privacy. Though school administrators can search students if they have reasonable suspicion, police officers are kept to a higher standard of probable cause. But SROs in academic institutions exist in a gray area that gives them leeway around this legal impediment (p. 33). Surveillance in academic institutions can also restrict a student’s ability to give context to their captured behavior (Hope, 2010). The representation taken by a video camera can act and be accepted as objective truth, but it lacks any information on a student’s motivations.

Similar to the transparency paradox present in workplace surveillance, students have been documented to exercise resistance against the sharpness of school surveillance. Some distort the “objectivity” of the video camera simply by pretending to work or exhibiting proper behavior.
only when they are monitored (Hope, 2010, p. 237). Some students have found alternate routes free of surveillant ICTs that allow them more personal space, while others have learned that being nice to the hall monitor can result in leniency (Weiss, 2010). Scholars have even noted the use of technologies by students to conduct bottom-up surveillance on teachers and administrators (Hope, 2010).

Like employee surveillance, research on school surveillance reveals disproportionate biases and socioeconomic impacts on marginalized students. Those enrolled in poorer inner-city schools are more likely to be subjected to invasive body searches and metal detector screenings than their wealthier counterparts (Monahan & Torres, 2010). These students are also more likely at the risk of entering the school-to-prison pipeline, which treats vulnerable youth as expendable and excluded (Raible & Irizarry, 2010).

While the vast majority of literature on school surveillance’s effects are focused on students, research on the impacts that it has on teachers is also available. In particular, research turns to the use of surveillance as a means of measuring and quantifying a teacher’s qualifications – not just through video capture of teaching, but through their citation rankings (Apple, 2010) and instructor evaluations (Krier & Staples, 1993). These evaluations give students and peers the opportunity to surveil and pass judgement on a teacher’s actions, speech, and movements in a way that can reap significant social, economic, and political effects. Gilliom (2010) has also written about the ways teachers changed their curricula (p. 197) and even cheated on behalf of their students to avoid severe penalties on bad test scores (p. 201). Others turn to implications of the tools, such as the potential for educational technologies to inform curriculum design and subsequent learning activities. Absent technical, institutional, or policy protocols,
data-driven systems will have considerable influence on what counts as learning and qualifications.

Resistance through the law is very limited, though scholars have investigated a few avenues for protection against school surveillance. Public school districts are constrained in their surveillance by the Fourth Amendment’s prohibition on unreasonable and warrantless searches of employees’ private property, while the Family Educational Rights and Privacy Act (FERPA) protects student records and allows for their correction by family members.

**Lecture Capture Technologies**

Very little research exists on lecture capture technologies, especially through the lens of its surveillant capabilities. Instead, the vast majority of existing scholarly research focuses on its effectiveness as a pedagogical tool. Researchers have written about lecture capture as a way to free-up classroom time for more interactive discussion, as students are released from note taking responsibilities (Davis, et al., 2009). In fact, studies on lecture capture have found that the average professor speaks 120 words per minute, while the average student writes only twenty (McClure, 2008). There also exists research on the value that students find in video recordings as learning tools (Khan, 2016). And scholars have studied the question of whether lecture capture technologies affect classroom attendance, with some finding no impact (Chang, 2007) and others finding some positive correlation between the two variables (Aldamen, et al., 2015).

Some of this pedagogical research points to the ways that lecture capture can make learning more accessible for non-native English speakers (Shaw, 2011) and those with learning and physical disabilities through its alignment with the principles of universal design (Brogan, 2009; Williams & Fardon, 2005; Watt, et al., 2014). Kandler and Thorley (2016) write
specifically on the benefits that Panopto provides for disabled students, including 24-hour access to lectures, altered fonts, screen colors, and audio settings, as well as mobile-friendly design (p. 96). They also note that lecture capture technologies are one way by which European academic institutions can adhere to the Equality Act of 2010 and avoid discrimination (p. 95).

But other rhetoric justifying the use of lecture capture technologies are less examined. Only a handful of scholars have investigated reasons such as the need to manage larger student populations, to combat inadequate funding, and to justify the increasing number of students who take courses part-time to fit their schedules (O’Callaghan, et al., 2017).

Literature on the perceptions that faculty have on lecture capture beyond its pedagogical capabilities is limited, as well. Secker, et al. (2010) found that teachers voiced concerns about intellectual property and academic freedom, but the specific angle of employee surveillance concerns is overwhelmingly unaddressed.

Edwards, et al. (2018) write about one of the few existing accounts of resistance against lecture capture technologies. Using the legal battle of a collection of universities in the United Kingdom as a case study, they examine the ways that that lecturers make sure to verbally mention items of special category during class time so that video and audio recordings are afforded special protections of use. The research found that academic institutions faced significant difficulties in repurposing these lectures, even if adequate consent was obtained from the faculty members.

Overall, much remains unknown regarding lecture capture technologies. As mentioned earlier, research on its impact on attendance is inconsistent (Chang, 2007). The educational benefits of the tool are still debated, with several reports providing contradictory conclusions on
the efficacy of the tool on learning outcomes. And there is limited research on strategies for implementing these tools in the classroom (Leadbeater, et al., 2013).

These four sections, situated at the intersection of workplace and school surveillance, represent an overview of the existing literature relevant to the discourse surrounding Panopto’s implementation at GULC. Overwhelmingly, this research represents the rhetoric used in workplaces and in academic institutions where the relationships between workers and managers, students, faculty, and administrators, are unequal. These disparities in power aid in the successful use of these discursive practices, which, in turn, allows for the successful implementation of surveillance. But, while the research covers much ground, there are still areas within this intersection that have largely gone unexplored.

Little scholarly research has investigated the rhetoric behind surveillance in environments where the relationships between workers and managers are much less unequal. These horizontally structured institutions represent “the top” and sit in stark contrast against the imbalanced power dynamics of workplaces at “the bottom.” How, then, is surveillance implemented in these places? Moreover, lecture capture technologies have largely been overlooked as surveillant mechanisms. How do these educational tools monitor those in the classroom? Through the case study of Panopto within the GULC, and with a combination of interviews, thematic analyses, and discourse tracing, this paper answers these questions and makes a necessary contribution to the greater surveillance literature.
CHAPTER II: METHODOLOGY

Methodological Contribution

Existing research on employee surveillance and educational surveillance utilizes a variety of methods, including interviews, participant observation, ethnographies, legal analysis, archival analysis, surveys, thematic analysis, and workplace experiments. While a smaller subset of this literature has turned to historical or case study analysis in order to investigate the discourse around specific mechanisms of surveillance, there exists very little research that examines multiple layers of rhetoric surrounding employee surveillance, and none that do so for lecture capture technologies in academic institutions.

In order to make sense of GULC’s implementation of Panopto into their classrooms, this paper uses thematic analyses and interviews to support the discourse tracing method. The combination allows for a critical, interpretive, and applied approach to understanding this event on multiple levels, particularly with respect to the rhetorical practices and power relations surrounding it.

Discourse Tracing

This paper relies on the definition of discourse tracing provided by Legreco and Tracy (2009) in their overview of the methodology. The authors situate discourse tracing among three methodological roots: grounded theory, case study, and qualitative content analysis. Grounded theory provides a process by which a theory develops from data systematically gathered and analyzed (Glaser & Strauss, 1967), while case studies offer a specific context from which data can be collected for examination. Qualitative content analysis closely reads the texts in order to lift out and organize patterns (Altheide, 1987). But discourse tracing extends these foundational
methods by “moving from the what to the how” (Legrego & Tracy, 2009, p. 1522), providing a complementary perspective to traditional approaches. It does this by collecting three levels of data – micro, meso, and macro – and investigating the ways they interact, create, and transform phenomena over time.

Legreco and Tracy (2009) define micro-level data as “the local uses of text and language within a specific context,” meso-level as larger contexts that coordinate micro-level practices, and macro-level data as “broader social narratives and systems of enduring thought” (p. 1519). Micro-level data types, for example, might include notes from participant observations; meso-level data types might include city council meeting minutes; and macro-level data types might include national-level promotional materials and laws.

Discourse tracing begins with the identification of a specific event as a turning point and reviews the literature relevant to this event. Research is then conducted to gather data from micro, meso, and macro levels of discourse surrounding it, and the data are organized chronologically and thematically. Questions are formed from these themes, and the case study is written to answer them and study their implications (Legrego & Tracy, 2009, p. 1523).

**Interviews**

The event in question is the implementation of Panopto, a lecture capture technology, across the campus of Georgetown Law. As a top-tier law school known, in particular, for its privacy scholars, this event represents an interesting and perplexing case study for employee surveillance in an academic institution.

Micro-level data for this study consist of five semi-structured interviews with faculty, staff, and administrators at GULC. These interviews were conducted during the period of
February 12, 2020 to March 2, 2020, and interviewees were selected for their proximity to the Panopto implementation process. Of the five members of GULC that I spoke with, one works on the Information System Technology (IST) team, which helped evaluate different lecture capture technologies during the initial decision-making process and continues to work with Panopto; one is a faculty member and a member of the Video Committee, which is currently in session to discuss potential exceptions to the policy forbidding any secondary uses of video recordings; one is a senior member of the GULC administration who is also a part of the faculty; and two are senior members of the GULC administration who are not part of the faculty. These participants are referenced throughout the paper as “IST Staff Member,” “Video Committee Faculty Member,” “Teaching Admin,” “Admin 1,” and “Admin 2,” respectively. The IST Staff Member and Admin 1 were key participants in the initial implementation of Panopto at GULC and advocated for the technology in meetings and conversations with the greater Georgetown community. They also continue to play key roles in the continued implementation and use of the tool. The Video Committee Faculty Member, Teaching Admin, and Admin 2 were not immediately involved in the initial implementation but are directly tied to the continued implementation and use, either advocating for Panopto’s expansion in the classroom or advocating for its containment.

Rather than use the interviews to generalize perceptions of lecture capture technology, this paper sets up the interviews to gather the details behind the specific event, including the rhetoric and reasoning shared throughout the process. The IST Staff Member and Admin 1 recounted the process of selecting the lecture capture technology and preparing for its continued implementation, sharing information on which stakeholders were involved, the content of the discussions, and the steps taken to develop the technology, install it, use it, and inform other
members of the Georgetown Law community of its recordings. All participants contributed valuable insights to the ways that the technology was used, received, challenged, and changed over the past few years, and revealed personal and campus-wide discourse surrounding Panopto’s possible expansions. Due to the nature of the case study, this paper finds more value in analyzing data from these five specific participants than a randomized and larger pool from the GULC community. Interviews with the IST Staff Member, Video Committee Faculty Member, Teaching Admin, Admin 1, and Admin 2 publicize objective knowledge and private discussions on the Panopto implementation at Georgetown. Though only two of the five participants are currently faculty members, all interviewees are in a unique position to speak with and interact with GULC faculty on a consistent basis. The IST Staff Member works closely with professors on adopting and using Panopto, while Admin 1 and Admin 2 are directly involved with soliciting and receiving feedback from students and faculty. As a result, all five participants are in the unique position of collecting, sharing, and acting upon a wide range of faculty opinions and actions regarding Panopto.

All participants were initially contacted via email with an interview request, in which the project was described on a high level. Interviews were then conducted on the GULC campus at an agreed upon time and location, with each interview ranging from 30-60 minutes in length. All but one participant agreed to have the interview recorded through the iPhone application “Voice Recorder.” All participants agreed to having interview notes taken throughout the process. Transcripts of the four recorded interviews ranged from 7-12 pages in length, while the transcribed notes from the unrecorded interview was 4 pages in length and included several carefully collected quotes. Interviews were set up to guide the participants through the chronological progression of the Panopto implementation, first asking participants to describe
their role and their knowledge of the initial discussions before moving onto the current and continued state of implementation at Georgetown Law.

Meso-level data for this study include official documents from GULC and information from both the Panopto and Georgetown Law websites. Among the data are the Georgetown Student Handbook, the Georgetown Recording Policy, Georgetown’s Panopto website, and content collected from the web pages of Georgetown Law, Georgetown’s Office of Disability Services, and Panopto. The data from these policies and official websites are organized using thematic analysis.

Macro-level data consists of the relevant norms, beliefs, laws, and ideologies that exist in contemporary American society. These include U.S. laws related to accessibility, pedagogy, and monitoring practices in schools and in the workplace, as well as value systems and ideologies surrounding technological advancement and private-sector enterprise solutions. Though the attention is focused on present-day systems, this paper takes the context behind them into strong consideration. Without examining the historical development of laws and ideologies, it is impossible to fully understand these contemporary systems. For this reason, the macro-level data draws heavily from the Chapter I, which reveals discursive themes that support the continued existence, propagation, and evolution of these current systems.

Using these five interviews, as well as official documents and policies by Georgetown and by Panopto, the paper first pieces together the facts behind Panopto’s implementation process. It uses the information offered by participants to uncover accurate information regarding the timeline, actors, technological means, and costs associated with the application of this lecture capture technology. Because information surrounding the implementation process is largely unavailable to the public, the paper relies heavily on these interviews to provide an inside look.
Much information, such as meeting notes and emails, was heavily protected. As a result, available meso-level data are limited and serve more purpose as language to examine for rhetorical trends and patterns than for confidential knowledge. The discursive practices found in the existing documents are crafted and integrated into themes related to the overarching norms and laws on surveillance. Data from all levels were thematically and manually analyzed using Glaser and Strauss’s (1967) grounded-theory approach and Saldaña’s (2015) qualitative coding.
CHAPTER III: RESULTS

Panopto’s Timeline

Data collected from interviews and official documents reveal a basic timeline for the implementation of lecture capture technologies at GULC. In the early-to-mid 2010s, the law school adopted a homegrown audio-based system that required no cameras in the classrooms. Faculty had the choice to opt in to the program, which would capture the audio through recorders and feed the tapes back into a control room managed by GULC’s own Information Systems Technology (IST) group. The system was labor intensive and suffered from a low opt-in rate, and so in 2015, the law school turned to a cloud-based system that could record the visuals of the lecture, as well. Echo360 – a video platform software – offered GULC a variety of solutions to its problems. First, it used cloud storage, removing the need for IST to bear the brunt of classroom technology management. Second, it could record video, expanding access to the classroom experience for the faculty and students who had previously relied only on audio. And, finally, Echo360 came as a recommendation from administrators across the T-14 law schools. It was a tried-and-true representation of the direction towards which many of GULC’s peer institutions were moving.

But Echo360 was not the only technology introduced to GULC around this time. The year prior, the law school implemented Canvas – a learning management platform that housed course materials for students – and had begun to install cameras in some of their classrooms for the purpose of WebEx video conferencing. Once Echo360 was implemented across campus, the cameras were repurposed for lecture capture purposes. As a result of the switch, faculty, staff, and representatives from the GULC Student Bar Association formed a “Faculty Technology
Committee” to review and update the law school’s recording policy. This version, amended in Fall 2017, is still in place today.

Only a couple years later, however, Georgetown University gathered representatives from each of its schools to discuss the transition to a different lecture capture software, one that had the capacity to capture longer and more frequent video recordings. The decision to migrate to Panopto was made by the Main Campus administration, the Office of Disability Services, and the information technology teams at each of the individual schools – Main Campus, GULC, and the Georgetown University School of Medicine – after several months of discussion. By Fall of 2018, each campus had shifted their lecture capture services from Echo360 to Panopto, and the GULC, in particular, completed the installation of cameras into virtually every single classroom to record nearly all the courses offered to its students. Today, Panopto records thousands of hours’ worth of classroom material every semester, capturing the voices and visible behaviors of the vast majority of GULC faculty. In the sections below, this paper thematically organizes the rhetoric used by interviewees, official documents, and laws and ideologies to justify this phenomenon.

Micro-level Data: Interview Trends

Exercises and Limitations of Power at GULC

Conversations with interview participants revealed a great number of statements that reflected ideas of power within GULC. Some statements indicated that there was confusion around the law school’s independence from the authority of the Main Campus administration. When asked about where and by whom the decision was made to replace Echo360 with Panopto, interviewees offered conflicting explanations. One participant involved in the meetings stated
that, though representatives from multiple schools and offices within the greater Georgetown University community were involved throughout the process, the final decision to select Panopto as the institution-wide lecture capture technology tool came as an order from Main Campus. Other participants, however, expressed doubt about this claim, arguing that “when Main Campus tells us to do something, at the end of the day, we pick and choose our battles… but on what happens in our classrooms, I don’t really think they can tell us to do anything. I think it’s just ‘do we want to listen to them or not?’” The participant drew on prior decisions made solely by the law school as evidence, including the choice to install cameras in virtually every classroom on campus – a feature unique to the law center, despite the adoption of Panopto by every Georgetown institution.

Other statements made by interviewees referenced the agency that GULC faculty enjoyed. For example, professors had the choice to opt out of sharing their classroom recordings with their students. An average of 80-100 faculty members – around fifteen percent of the total – chose this option every semester. Noting these figures, one participant stated that “the majority accepts that this is a good thing, because otherwise they would opt-out.” Additionally, though recordings cannot be downloaded or copied by students, and all recordings are deleted after the end of a given semester, participants argued that professors are “in charge” of their own materials and recordings and can retain them for personal use beyond the semester. Most notably, these conversations emphasized the faculty-led efforts surrounding Panopto, such as the Faculty Technology Committee’s creation of the updated recording policy. One interviewee stated: “We felt it was really important to have faculty decide, since they are the ones that are ultimately on camera.” Another interviewee stressed that, though the committee was an “ad hoc
committee” and has since been disbanded, a new faculty-led Video Committee is in place to investigate questions and suggestions specifically on Panopto.

But, running contrary to the rhetoric that faculty exercise power through opt-out choices and recording ownership, interviewees also mentioned several ways that Georgetown Law professors are subjected to unwanted compulsory monitoring. First, regardless of whether or not faculty members opt out of sharing their recorded lectures with students, all classes are filmed, recorded, and retained by the school. Second, there exist concerns over Panopto’s risks to a professor’s academic agency. Citing a “slippery slope regarding speech,” especially due to an “inherent instinct [by students] to censor teachers and fellow students so they are not offended,” interviewees expressed fears about the tool’s potential overreach. Third, the ownership of the recordings is contested. Though there are avenues in place for faculty members to save their own lectures for personal use, the law school owns the content. As one interviewee succinctly put it: “Georgetown owns the recordings, though faculty might argue that they do.” Finally, interviewees repeatedly mentioned the prioritization of student needs, even if they come at the cost of faculty agency. One participant said: “Not to say that we’re not sensitive to faculty concerns, but we do need to meet the students where they are and where they want to be.”

Other statements made regarding power relations include the acknowledgement that the law school owns all of their Panopto-associated devices, including cameras, microphones, and computers. In the past, the law school had used Echo360 proprietary equipment but had to give them up when Georgetown made the switch to Panopto. The interviewee noted that this logistical burden engendered the move by the law school to independently own their “agnostic devices,” so that the freedom to move to a new software in the future could be done with greater ease. However, the same interviewee admitted that the law school “[relies] heavily on [Panopto’s]
staff for scheduling.” Due to the technology’s design and policy restraints, the law school cannot independently make scheduling changes.

**Expansion and Prioritization of Surveillance**

Another theme among the interview conversations is the desire for or concern regarding the expansion and prioritization of surveillance. When questioned about the decision to move from Echo360 to Panopto, one interviewee said that the former vendor had failed to “keep up with our needs as they pertain to recording on a large scale.” With Panopto, virtually every class offered by the law school could be recorded and uploaded, irrespective of the space or time. In fact, participants pointed out that all but a handful of classrooms on the campus were outfitted with heavy-duty computers, microphones, and cameras designed to work with Panopto’s software. Another participant mentioned that, in an effort to expand Panopto’s recording possibilities, the law school also recommends faculty to plug in their personal laptops into the classroom computers. By doing so, Panopto can capture at least two feeds throughout the class – one through the camera attached to the ceiling, and the other from the laptop’s screen. More of the classroom experience is made accessible and recordable.

Conversations with participants also revealed additional uses for Panopto than originally planned. For example, when describing the ways faculty members are evaluated for their performance, one interviewee remarked: “When you’re up for tenure or other faculty review, the long-standing tradition is that we have colleagues visit your class. This is the first year that a couple people have said they couldn’t get to that class, so they got permission to watch their recordings.”
Other conversations revealed that the newly formed Video Committee at the law school is primarily tasked with discussing potential expansions of Panopto. A proposal offered by an interviewee during one of these meetings rejected the “one-time” use of the recordings as an accessibility tool. They suggested, instead, that lecture capture be used more broadly as a tool to evaluate faculty performance on a yearly basis. Beyond these scheduled performance reviews, however, the interviewee also advocated for Panopto recordings to be used as a way to measure faculty competence on an ad hoc basis. “We rely on students to come to the dean with complaints [about a faculty member], but because we can’t just go off of what they say, senior administrators should be able to go through recordings and determine if the faculty are incompetent.” This interviewee emphasized that this secondary use of Panopto’s recordings was important because “law schools, in particular, owe it to their students to have strong faculty.” Moreover, the interviewee stated that “Students are very upset we don’t allow [secondary uses],” using it as a reason for why they felt so strongly about expanding Panopto’s capabilities and uses.

But one participant expressed hesitation when asked about secondary uses of Panopto’s recordings, saying that people often have “really noble goals that everyone agrees are important,” such as accessibility and pedagogical improvement, but then these goals “suddenly begin to expand.” Another participant, however, stated that “there is a clear line drawn” for when secondary use is necessary. In their interview, the participant made the case for collecting evidence of serious misconduct through the recordings. They argued that “better evidence on what was actually said and the context in which it was offered is helpful. There’s a reason why the legal system is structured to collect reliable evidence, and video is real-time capture of information.” The participant also proposed going beyond secondary uses of Panopto recording
to engage with new, complementary technologies and software that could capture even more the classroom experience.

**Internal and External Marketability**

The topic of Panopto’s marketability was widely covered in interviews with GULC participants. Internally, Panopto was marketable because of its cost-saving mechanisms. As a technology adopted on a widespread scale throughout the greater Georgetown University community, the economies of scale reduced the costs of installing and support Panopto at the law school. Externally, Panopto represented a high-tech image that GULC and other T-14 schools embraced. Interviewees on this topic relied on a rhetoric of inevitability surrounding the adoption of lecture capture technology, saying “the whole industry is going in this direction” and that failing to implement them made “schools look like [they’re] falling behind.”

As for what actually makes lecture capture technologies like Panopto marketable, interviewees offered a couple different explanations. One participant commented that “the admissions team generally wants to showcase updated anything – dorms and classroom technologies are included in that.” Another participant offered: “Most students aren’t going to be making decisions based on classroom technologies, but it is a huge selling point for students with disabilities and for whom English is their second language.” Georgetown Law Center’s J. D. student international population makes up roughly ten percent of total students, while L.L.M. international students account for roughly two thirds of the population.

**Limitations to Current Privacy Protections**
During every interview, participants preemptively brought up matters of faculty and student privacy before any questions on the topic were asked. It was clear from the extensive knowledge and individual perspectives each participant had regarding privacy that Panopto’s implementation at Georgetown was commonly associated with these types of concerns.

Each participant made sure to acknowledge the ways that the law school had made efforts to protect faculty privacy while their lectures were recorded, primarily through the faculty-led creation of the recording policy. All faculty and staff were also notified of the updated recording policy at the time of its enactment through emails and through links on the Georgetown Law Center website. As part of the policy, faculty are given the chance to opt-out of sharing their lectures before the start of the semester, though all classes will still be recorded. Similarly, students are informed of the recording policy through a variety of notices – on the law school website, the registrar’s office website, in the Student Bar Association newsletters, in the accommodation page located on their Canvas dashboards, and through email blasts sent by the administration every semester. One interviewee emphasized that “very few schools have such an advanced recording policy,” and that some faculty at Georgetown University’s other schools do not have an opt-out mechanism at all. Another interviewee shared the law school’s unstated addendum to the recording policy: “If someone comes to us and asks us to delete a private conversation that was captured by Panopto before or after class is in session, we will delete it, no questions asked… If it’s not part of the class, there’s no reason to keep it.”

Notably, GULC currently has a no-secondary-use policy in place. Recordings captured by Panopto can only be used for pedagogical and accessibility purposes, meaning they must only be shared with students as an aid to their coursework. Certain technological restrictions have been put in place to help ensure adherence to this policy, but limitations to protecting privacy
still remain. Each interviewee stated that a push for certain types of secondary uses was growing. At the time of writing, a newly formed committee called the Video Committee had been formed to discuss potential expansions in use, such as newfound access to recordings for those with religious exemptions to attending class. Another potential expansion brought up in the interviews was the use of spliced videos of “teachable moments of tense or difficult discussions around race or gender” that could be consensually shared with colleagues.

Second, several participants revealed the ways that these notifications of the recording policy are inadequate in adequately protecting faculty and student privacy. One interviewee lamented about the ways that the policy was being shared by the websites and emails in a passive manner: “We never ask for affirmative consent.” Moreover, though faculty do get a notification to opt-out of sharing their recorded lectures, the notification comes “7 or 8 weeks before the start of the semester.” One interviewee noted that, “especially for the Fall, that puts you in the middle of summer when you’re barely focused on your classes. And the [opt-out] window is really short.” Conversations with participants also turned to the potential for people outside of the Georgetown Law community to walk into a recording classroom or event space without having been notified of the policy. “They could inadvertently find themselves, their phone conversations, recorded.”

Third, participants noted that the recording policy itself is inadequate in protecting privacy. While one interviewee stressed that the recording policy was created and updated by faculty members in 2017 to account for the newer video recording capabilities of Echo360, another interviewee clarified that “most of the original policy features [from the audio-only version] were kept the same.” The few changes that were made by faculty were focused on
“being transparent, clarifying things, and making sure that people understood what this meant.” Another interviewee quipped that the recording policy was “not designed to be private at all.”

Fourth, a couple interviewees revealed an instance where the no-secondary-use policy and the technological restrictions placed on Panopto failed to stop a student from using their phone to record their computer monitor to “preserve the lecture and share it with a lot of people.” Though some of the participants believed that the chances that students go out of their way to break the policy is “very low,” others argued that “there are probably more secondary uses out there, even though there are no official ones.”

Finally, interviewees expressed doubt about the privacy protections inherent to Panopto. One participant remarked: “We say we delete videos after the semester ends. I’ve asked the IT department several times, are you sure? How do we know? And they seem confident, but I’ve never gotten anything like a discussion with the tech people over there.” Other points of concern cited include the retention of high-level information about student use of Panopto by IST for the Georgetown administration, as well as the “scary and granular” analytics developed by Panopto to allow those with administrator roles to see the names of students who watch lectures, their browsers, and their reviewing activities.

Accessibility

Of the aforementioned “noble goals” that the law school community agreed on, accessibility was the one most commonly discussed among the interviews. “Even people who are against recording do see the value in providing accessibility for everyone. Regardless of where you stand, that really tipped the scale in favor of Panopto.”
Interviewees noted several different ways that Panopto fulfills goals of accessibility. One argued that “lecture capture has come to supplement the notetaking of students. Panopto gives you a study tool you didn’t have before.” An advocate for the switch from GULC’s homegrown audio-only system to lecture capture technology stated that they wanted a tool that could replicate the experience of being in a classroom. Panopto did just that, allowing students to “see and understand everything – see the boards, see the context of the dialogue that occurs in the classroom.” Moreover, an interviewee said that, in his experience, “students with disabilities like not having to ask for accommodations. With Panopto, it is already provided.” By installing it in every classroom, Panopto’s robust and widespread implementation allowed the technology to be “more inclusive for those with disabilities and different learning styles.”

When asked about what they would change about Panopto, one interviewee introduced a new line of thinking within the theme of accessibility: better algorithmic intelligence for captioning purposes. With stronger training, Panopto’s AI could capture speech more precisely and more meticulously, making sure to capture the speech of students, as well.

**Pedagogy**

The other closely aligned “noble goal” in favor of Panopto is pedagogy. A few of the participants pushed the pedagogical benefits of Panopto heavily during their interviews, citing improvements to both faculty teaching and student learning. In regards to the former, one interviewee expressed their opinion on its teaching strengths, saying: “What if your students are watching a specific part of your lecture? So there’s maybe 25 people who have watched a specific part, maybe then you find out you’re not reaching them with that information… You could address that portion of the lecture.” Another speculated that they were saving valuable
class time, saying: “Were it not for Panopto, I’m sure [my students] would just be yelling at me to stop and pause my typing.” When it comes to student learning, one participant shared an anecdote where students told them “I can never follow in class, but it’s really nice because I can pause and absorb.” Another remarked that GULC occasionally conducted student surveys on Panopto, which found that the students “really cherish the option of having recordings available to them.”

But interviews also revealed conflicting discussions surrounding the reality of Panopto’s pedagogical impact. An interviewee with access to faculty feedback on the technology stated that opinions were “all over the map,” with some professors who “love it and use it consistently for pedagogical purposes” and others who “raise privacy concerns, primarily that conversations are being caught on tape.” Several other interviewees raised their own uncertainties regarding Panopto’s impact. Regarding its effect on class attendance, one participant admitted that the school “suffers from not having data” on the possibility that students are substituting Panopto’s recordings for physical attendance in the classroom. They went on to say that “the conventional wisdom that students won’t use this as an excuse to skip class feels a little faith-based to me.” Another interviewee raised similar concerns, revealing that they opt out of sharing recordings with their first-year law students to “de-incentivize their absence from class, which would come at a cost to their education.”

The actual usage of Panopto was also questioned in the interviews, with one participant straightforwardly offering, “I don’t look at the analytics. I have better things to do,” before adding that they teach the class the same way they would teach the class without any educational technologies. The same interviewee who earlier indicated that Panopto might be saving valuable
class time for their students also admitted: “I’ve looked at the stats, and I don’t think most of them are looking at the video afterwards.”

Other doubts surrounding the pedagogical impact cropped up throughout these conversations, with one participant bringing up the potential for Panopto to actually chill speech and “dampen devil’s advocacy, which is especially important in a law school.” Another brought up logistical limitations for Panopto to truly have pedagogical benefits to law students, arguing that the classroom experience cannot account for student discussion if students are not given microphones, as well. A different interviewee even expressed concerns that Panopto might add to the workload of the law students rather than alleviate any stress. And, finally, one participant questioned the law school administration’s understanding of pedagogy, offering that the choice to install Panopto in the classrooms might be one borne of marketability or of campus politics rather than actual data of pedagogical benefits. Data on student use of Panopto as a study tool was limited and not shared for the purposes of this research, though an interviewee close to the matter said that GULC had not measured the use of Panopto for students with documented learning disabilities. The rhetoric behind pedagogy, an interviewee surmised, could be one that was appropriated by campus politics. “[The administration] also, I think early on, got the student body very excited about [Panopto]… I think a lot about campus politics. And if you have motivated administrators and students working together, they can get a lot done.”

*Lack of Concern*

Throughout some of these interviews, participants made comments that revealed the lack of concern they had with Panopto or its impacts. While a few of these comments have already been expressed in the previous pedagogy section, the pattern of interviewees’ lack of concern
extends beyond Panopto’s analytics. One comment, “[The faculty] can always rewrite the [recording policy] whenever we want, but you need a committee to meet and that’s a heavy lift. So it has to be a high priority,” reveals the burdensomeness of organizing and implementing administrative change. Other statements like, “[People] get asked to be chair [of a committee] after someone else decides there should be a committee,” “The nature of the sort of faculty-run institution is that you get handed a job,” and “Some of the things that [Georgetown Law] uses committees to do, I would have happily assigned to the Dean,” reveal the lack of connection the interviewee feels with their committee duties. These comments also hint at a desire for administrators to make certain decisions, especially if those decisions are not considered important to the faculty member.

 Relatedly, there were a handful of comments made about what is considered important to interviewees. One participant, when describing their reaction to the Echo360-to-Panopto announcement made by the law school, said: “The technology change didn’t really produce any tangible changes… the deliverable is still the same.” Another remarked similarly, bringing up the statistics that 15 percent of Georgetown Law faculty members opt out of sharing their recordings. They surmised that “if we had an opt-in system, I bet it would be 15 percent in the other direction. And so the question is that 70 percent in the middle. Do they not care? Or do they care and they just need a better opt-out system?” These statements allude to the idea that there was not much feedback given throughout the Panopto implementation process because faculty believed they would not necessarily feel the impact of this new technology in a substantial way.

 Finally, some comments from these interviews displayed a lack of concern for potential privacy invasions created by Panopto. One participant stated, “I suspect I’m like most people in
that I don’t pay attention to the camera,” while another shared that “there is a small fraction of the faculty who are concerned with privacy issues, and they are the ones who specialize in it. Most people, like myself, don’t have strong opinions, and we don’t have anything to hide.”

**Meso-level Data: Policies and Marketing**

Meso-level data consists of the policies and marketing materials circulated by Georgetown Law Center and Panopto. I conducted a thematic analysis of several materials, including the Georgetown Law Center Student Handbook, Georgetown’s website pages, and Panopto’s website pages. This section organizes recurring themes from these meso-level data in an effort to understand the nature of the discourse at this level.

**Organizational and Individual Responsibilities and Privacy Rights**

Several aspects of the Panopto’s website, Georgetown’s websites, and the Student Handbook fall into themes related to privacy – specifically two themes of privacy promises and privacy limitations. As a “Data Processor,” Panopto has the responsibility of processing personal data of faculty and students on behalf of GULC, the “Data Controller.” In its privacy policy, Panopto emphasizes that it has no direct influence or control of what data is collected by GULC, and that it only processes data in accordance with GULC’s instructions. As such, GULC is responsible for the privacy of its users – the faculty and students. Still, as a Data Controller, Panopto affirms its responsibilities to GULC by stating that any collection and processing of GULC data for direct use is “based on contractual obligation, necessary to provide [GULC] with access and uses of the Services” (Panopto Privacy Policy, 2019). The company also guarantees rights to its customers when it comes to their hosted data. These rights include the right to object
to processing, the right to be informed, the right to access the personal information that is obtained by Panopto, and the right to withdraw consent of personal data use at any time.

But the policy also shares that Panopto processes data where they have a “legitimate interest” to do so. One of the examples provided is the automatic collection of information when GULC users visit the website or interact with Panopto’s services, which is used to analyze aggregated trends. Panopto begins its explanation of this practice by writing: “As is true of most websites…” However, no information about how the company determines their legitimate business interests is available. Instead, Panopto offers a vague statement describing a “balancing test” that ensures that any data processing is necessary and does not outweigh users’ fundamental rights of privacy.

It also goes on to state that, while the company “primarily acts as a Processor” for GULC data, they “may also receive information… from other sources, including publicly available databases or from third parties” (Panopto Privacy Policy, 2019). Panopto also washes its hands of responsibility for any of the privacy policies of their partner organizations, some of which are required for use of the lecture capture technology. While Panopto Prop accounts must use a third-party to process their payments, Panopto writes that they have no control over these third-party’s policies and users are, instead, encouraged to “review and understand the terms and conditions” on their own. Further, Panopto’s privacy policy warns that disabling the company’s cookies through individual browser settings “may limit [a user’s] use of certain features or functions on our website and services” (Panopto Privacy Policy, 2019).

Beyond its privacy policy, Panopto shares information regarding its promises and limitations regarding for privacy in various pages on its website. Under their features, the page dedicated to showcasing Panopto’s video platform security states that “Panopto maintains
stringent product and infrastructure safeguards that protect the security, confidentiality, and integrity of your data.” By default, videos uploaded to Panopto libraries are only viewable to those who are given access, and only altered or downloaded by those with administrative access. There are also options to limit access to a specific organization, specific users, or even the choice to require users to log in before they can view private livestreams, so that even links shared publicly cannot be used anonymously.

GULC’s website also features language that highlights the boundaries of their responsibilities to faculty and student privacy. Situated deeply within the site – under the “Your Life & Career” tab, “Campus Services” subtab, “Information Systems Technology” sub-subtab, and “Policies and Initiatives” sub-sub-subtab, the law school dedicates a page to their Classroom and Event Recording Policy. At the top of the page, in italics, a paragraph reads:

“Please Note: Students, faculty, staff, and visitors to the Law Center should not have an expectation of privacy while they are in recordable spaces at the Law Center. Recordable spaces include classrooms, meeting rooms, and other spaces that are generally open to members of the Law School community… please realize that collateral private conversations and behavior occurring recordable spaces may end up being recorded and disseminated… Therefore, voluntary participation in activities that occur in a recordable space is deemed to be consent…” (Classroom and Event Recording Policy, 2017).

The page goes on to display the remainder of the policy, which also warns the GULC community that they are “not permitted to make audio or video recordings… unless expressly so
authorized by the Law Center” (Classroom and Event Recording Policy, 2017). This policy is also displayed within the Georgetown Handbook (2019-2020) that is made available online to all law school students (p. 81). In the Handbook, there is slightly more explanation for the policy. While GULC disseminates recordings only to students who are registered for a given class, the institution “[lacks] the ability to review every recording beforehand to make sure that private personal conversations and other private behavior have not been captured” (p. 81). Students are asked to exercise “appropriate caution” when in these recordable spaces, and this notice provided on the website and in the Handbook assumes that any subsequent participation in activities in these spaces “constitutes waiver of claims” (p. 81). Additionally, the Handbook houses the Recording Retention Policy, which states that all recordings made for a class will be available only until the day before the following semester begins, at which point it will be deleted by Panopto on GULC’s behalf.

Georgetown University also has a greater website dedicated to its Panopto services titled “Panopto @ Georgetown.” While the information on this page is mostly concerned with explaining how to install and use Panopto, the page also provides some notices of privacy for faculty and students, though the information is not highlighted in any noticeable way and simply embedded in the How-To Guides. The page, for example, reiterates that only students enrolled in courses can view lecture recordings and that downloading and viewing statistics are available only for faculty and other administrators.

However, the Panopto @ Georgetown does include one significant difference in the language used to protect data privacy. While Panopto’s privacy policy warned against the dismantling of cookies through browser settings, Georgetown recommends that users set their browser settings to not accept third-party cookies except for Panopto’s. By making an exception
for Panopto, the page states that this method “should be safer for you and your computer.” The page provides a step-by-step process for adding a cookie exception URL, but also acknowledges that Edge and Safari do not allow for whitelist or blacklisting controls. This recommendation is not completely aligned with Panopto’s guide to allowing third-party cookies, which only mentions that “Panopto utilizes third-party cookies to authenticate third-party Identity providers and requires that your browser accept third-party cookies.” While it does not tell users to accept all third-party cookies, it does not make any mention of the risks of allowing them.

Missing from the Georgetown websites are any information on where the data from these recordings are being stored, or the processes by which the data will be deleted or protected. No information is shared on how to check if the recordings have been deleted.

**Efficiency and Ubiquity of Surveillance**

Much of the language across Panopto’s website markets the technology’s efficiency. The home page boasts a large title: “Panopto makes things easier.” Underneath, there is a tagline that reads: “Stop Typing. Start Recording. Panopto is the easiest way to record, live stream, manage, and share videos across your organization.” The home page goes on to list the many capabilities of Panopto’s software; for example, users can find out if where in the videos a specific user stopped watching through the tool’s minute-by-minute analytics. Moreover, the page showcasing Panopto’s features highlights its ability to automatically index videos. “Find any word spoken or shown in any video in your library… Panopto automatically indexes every word spoken and shown on-screen through Smart Search, an AI-powered video search…” (Panopto Video Search).
Some language on the website also reflects the growing normalization of ubiquitous surveillance. “Can’t decide whether to record your presenter, their subject, their slides, or their screen? Don’t!” one paragraph reads, before introducing a variety of synchronized and high-definition capabilities of the tool (Panopto Video Recording). The page describes several methods for how users can seamlessly launch Panopto on their browsers without the need for further installation or updates. The rhetoric of efficiency is richly referenced throughout these comments on ubiquitous capture, with the website boasting that “there’s no easier way to create and share a complete video presentation – with no content tradeoffs, no complicated production, and no editing magic required.”

Similarly, a page on Georgetown’s website dedicates itself to sharing best practices for capturing high-quality audio. One of these practices states: “Always try to project your voice, speaking as if you want to be heard by someone on the opposite end of the room” (Best Practices for Capturing High Quality Audio in Panopto). These best practices detail the audio equipment in specific rooms on Georgetown Law’s campus, such as podium microphones, ceiling microphones, or clip-on lavaliere microphones for faculty members who want to walk around as they lecture. The page also notes that, while specific classrooms like McDonough 200 have microphones placed on each desk, most rooms only have “smaller ceiling mics placed around each room to capture student questions, but they are not very effective unless the student speaks up and project their voice.” As a result, a best practice is to “encourage students to speak up if they are soft-spoken.”

This sense of ubiquity is also present in the way that Panopto markets itself as a leader in its field, providing its services to hundreds of brand-name institutions like General Electric, Nike, and Georgetown University. Its “About” page begins by saying: “Developed at Carnegie
Mellon University. Trusted by 22 of the nation’s top 25 universities. Find out why Panopto is the leading video platform for higher ed.” Hundreds of high-end, world-class institutions have all trusted their organizations to Panopto, and the website repurposes these relationships to cultivate new ones with potential clients.

While simultaneously marketing its ubiquitousness, Panopto also markets itself as an invisible feature. With its seamless technology and easy-to-follow set-up, the lecture capture technology aims to be indiscernible. One page reads: “Focus on teaching. Not technology. The best kind of education technology is the kind you don’t even realize is there. So we’ve worked with edutech teams, faculty, and staff to build a lecture capture system that fades into the background” (Panopto Lecture Capture). Some of the capabilities that allow for this invisibility include one-click recording processes, automatic recognition of connected cameras and microphones, and the ability to remember recording settings to make set-up fast and simple.

Accessibility

Language on Panopto’s website references accessibility as a foundational reason for its development. The website takes care to highlight functions of accessibility in its descriptions of the tool’s capabilities and design. For example, the website describes the four types of captioning available for customers – automatic, affordable Section 508-compliant captions, integrated third-party captioning services, and manually uploaded human-generated captions (Panopto Accessibility). Without any additional purchases, customers are provided with automatically-generated captions, though Panopto describes its paid Section 508-compliant captions as being a low-cost improvement, as the speech is transcribed by humans. In addition, Panopto highlights its design choices, which offer multiple playback speeds for different learning needs and allow
for lecture captured recordings to pair with screen readers that read text out loud for users with visual impairment. There is also description on the ways that Panopto offers alternative tool navigation; for example, those with disabilities can use the platform with just a keyboard.

Georgetown’s website also explicitly points to accessibility as a reason for its use of Panopto. They language of the Classroom and Event Recording Policy reads: “In order to ensure compliance with applicable laws, such as the Americans with Disabilities Act, all classes… will routinely be video recorded by the Law Center using a camera-based recording platform…” The statement briefly touches on the faculty’s ability to opt-out of sharing these recorded lectures, though it clarifies that “recordings will still be made of those classes in order to ensure compliance with applicable law” (Classroom and Event Recording Policy, 2017). The policy provides instructions for how students can find lectures on Panopto and how to make special requests. Georgetown Law provides two unique forms: one that requests recordings of lectures for any general, unspecified reason and one that requests recordings on the basis of religious accommodation. The latter is designed to be discrete and is submitted on behalf of the student by the law school, without the knowledge of the course instructor.

The Student Handbook (2019-2020) describes these obligations to students with disabilities by stating that “the Law Center does not discriminate or deny access… on the basis of disability. Students with disabilities may be eligible for accommodations… in accordance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act” (p. 82-83). Interestingly, the most up-to-date version of the Handbook contains language that reflects the use of Echo360 on campus by stating that there is an option for faculty to choose to share their lectures through audio-only. While it is not corrected in the Handbook,
the GULC website clarifies that this is no longer the case – with the migration to Panopto, video and audio would both be captured obligatorily.

The Electronic and Information Technology Accessibility website associated with the greater Georgetown University unsurprisingly displays language promoting the use of education technologies for accessibility purposes. The definition of accessibility provided by the website is that “a person with a disability is afforded equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs.”

A YouTube video is embedded in its home page which plays content like: “Students, faculty, and staff in higher education need the web in order to be successful, but inaccessible websites can inhibit or severely restrict their participation…” The video also states that institutions of higher education have an obligation to provide accessible content and “making after-the-fact accommodations alone are insufficient.” Some of the speakers in the video – identified as those with various physical and learning disabilities – mention that they should not have to rely on a third party to click buttons on their behalf or to feed them inaccessible information. The video ends with a statement that higher education is embracing the need for change by “implementing enterprise-wide accessibility.”

Directly underneath the video, the website defines Electronic and Information Technology accessibility to mean that “all content, systems, and websites should be consumable by every visitor, regardless of ability. Many people with disabilities use assistive technologies like screenreaders, magnifiers, and Braille terminals to use computers.” While Georgetown University has a devoted policy on accessibility, the website goes further to display the Electronic and Information Technology Accessibility Procedures and Guidelines. These “reflect
a prioritized approach to making content and information accessible based on factors including the importance of content… how frequently it is used, the costs associated… and the availability of alternative means…” Section III of these guidelines dedicates itself to methods for how video and audio can be sufficiently transcribed and displayed.

*Pedagogy*

Though the pedagogical benefits were widely referenced by all of the interviewees associated with the Panopto implementation, none of the Georgetown documents nor the school’s websites reference these considerations apart from their ability to aid in accessibility goals. Panopto’s website, however, devotes a couple different pages to the different types of learning that the tool can provoke. One page uses language specific to the flipped classroom pedagogy, in which students watch lecture materials before the start of the class to free up time for discussion and other more interactive activities (Panopto Flipped Classroom). Another page underscores the personal bookmarks, video playback settings, and search tools that allow students and faculty to interact with the content, a pedagogy called “active learning” (Panopto Active Learning). The nature of Panopto’s design also allows it to serve as a tool to aid in distance learning, so that students who are not physically in the classroom can still receive personalized experience through the bookmark and commenting tools (Panopto Distance Learning). Moreover, because Panopto can embark on several different captures at once, students have the potential to simultaneously watch instructors, view their slides, and see even the classroom full of students.

**Macro-level Data: Beliefs, Ideologies, and the Law**
This section identifies and organizes the discourse of laws, ideologies, and norms that interact with employee and educational surveillance. While the scope of this project is set to the United States, it should be noted that many of the macro-level data discussed in this section are not unique to one country and, instead, have their own rich histories in many other parts of the world. It is also important to consider the many overlaps between laws, ideologies, and norms. Norms can be defined as collective expectations of behavior and thought that are drawn from a variety of sources, such as cultures, knowledge, events, and emotions. Similarly, ideologies are defined by the general components of the belief systems with which they are attributed. While norms and ideologies are not inherently enforced by an authority, they both contribute to the enforcement and even the creation of laws. At the same time, not every law finds support in norms or ideologies. In this section, I refer to norms and ideologies interchangeably, though I reserve the descriptor of “law” for those data that have been given some legal enforcement mechanism.

While the literature review in the first chapter described many of the historical and contemporary norms and laws that are relevant to lecture capture technologies today, this section organizes these data into more specific themes while also considering additional macro-level data not discussed previously. Like their content, these themes are not mutually exclusive, and many of the norms and laws below support and interact with each other.

*Limited Mechanisms for Privacy*

The United States currently functions under a patchwork of state and federal privacy laws, none of which establish comprehensive guidelines for surveillance on employees or in academic institutions. As a result, there is little direction as to how institutions should determine
what kinds of monitoring are considered reasonable, what forms of obtaining consent are most authentic, and what methods for protecting privacy are effective. Chapter I highlights some of the ways that contemporary privacy laws are restricted in their protections, namely in that workplace privacy laws are designed to prevent discriminatory hiring practices rather than to protect a worker’s right to reasonable monitoring, and technology-related privacy laws make room for large loopholes that businesses can take advantage of.

One type of privacy law not mentioned in the literature review is data privacy law. Currently, there is no federal data privacy law that can be widely applied to any party that collects customer information. Instead, there are partial regulations, such as the Health Insurance Portability Protection Act of 1996 (HIPAA), which sets protections around health data, and the recent California Consumer Privacy Act (2018), which gives all Californians the right to opt out of the sale of their personal information by companies to third parties. And while the European Union’s General Data Protection Regulation (2016) touches many American companies (so long as they have European customers), its prohibition of processing personal data without any one of six lawful bases like consent, contract, and legal requirement is limited in its implementation. Notice-and-choice is a massively popular model used by companies around the globe, and it is one that the GULC recording policy relies on, as well.

Notice-and-choice models assume that individuals have the full capacity and control to understand what kinds of information they share, where and to whom it goes, and what implications this exchange might have on their lives. These models are predominately embedded in privacy policies, which ironically have long been considered poor mechanisms for communicating with individuals about privacy (Cate, 2010). Much has been written about the limitations of notice-and-choice, especially in regards to its ability to obtain genuine consent.
Today, businesses benefit from the camouflage of notice-and-choice, which allows them to incorporate their data practices into a long, jargon-filled privacy policy that users do not read. Moreover, businesses take advantage of the loose requirements surrounding a customer’s “choice.” Often, the choice is not a simple “agree” versus “disagree,” but a take-it-or-leave-it scenario where a customer is resigned to comply with a company’s policies else lose total access to the company’s goods and services.

Another closely related norm that limits the scope of privacy protections in the workplace and in academic institutions is the widely accepted notion that employees and students and faculty must abide by guidelines and handbooks. It has become a common practice to require that new hires and matriculating students sign a form acknowledging their understanding of the content in these guidelines. While these handbooks often discuss logistical matters like holidays, benefits, and dress codes, they may also outline values, policies, and rules that workers are expected to follow and align themselves with. Though these guidelines and handbooks can also be used to establish worker rights, they can also protect the interests of the company. For example, a company or a school may require that all faculty and students use company-provided equipment during working hours – a policy designed to ensure that workers have minimal expectations of privacy. These handbooks may also come with disclaimers that the content and policies of the workplace are subject to change without notice, thus creating further imbalance as to who creates these expectations.

Moreover, there are several privacy and surveillance laws surrounding the workplace and schools, all of which face their own limitations. The Computer Fraud and Abuse Act (CFAA) prohibits others from accessing computers without proper authorization, but does not hold when those computers belong to the company itself. The Occupational Safety and Health Act
established an agency within the Department of Labor to “assure safe and healthy working conditions… by setting and enforcing standards…” While the Act has largely succeeded in limiting the number of injuries in the workplace, it also perpetuates record-keeping and employee surveillance. The Act shed a new light on corporate liabilities, and the increased attention on maintaining health and safety baselines and protecting company interests resulted in more data collection. The Electronic Communications Privacy Act of 1986 (ECPA) is the only federal statute that protects worker communications by prohibiting intentional interception by outside parties. Still, employers have long benefitted from the loopholes that exist within the law, such as the allowance to monitor legitimate business purposes and when there is consent – something that is often tied to the acknowledgement of the company handbook.

Other legal mechanisms in place to restrict employee and educational surveillance include the Family Education Rights and Privacy Act of 1974 (FERPA) and the National Labor Relations Act (NLRA). The former grants students the right to review and request changes to inaccurate education records and gives the students the right to consent to the disclosure of personally identifiable information. But FERPA tackles only a small subset of surveillant practices in academic institutions, and schools are able to find loopholes to collect and release student information. The latter was enacted to protect workers’ rights to discuss and form unions and working conditions, but this, again, only addresses a fraction of employee surveillance concerns. For instance, the NLRA does not protect workers with due process guarantees, though new surveillance tactics heighten the risk of false accusations.

Finally, although the Supreme Court set a precedent with *Katz v. United States* (1967) to expand the Fourth Amendment’s privacy protections to individuals rather than to private spaces, courts continue to struggle with the scope of these protections. A two-pronged test of whether
individuals have reasonable expectations of privacy and whether greater society would agree with these expectations has led to mixed results, with some courts dismissing claims for privacy in public spaces.

Neoliberalism

An ideology that has increasingly become a buzzword in contemporary culture, neoliberalism is most commonly associated with its championship of the free market. Though free market ideas are rooted in the freedoms of the Enlightenment and became popular in the 19th century by philosophers like Adam Smith, neoliberalism did not take hold of the United States until the mid-to-late 20th century. Today, American neoliberalism is best defined by the ways it seeks to safeguard individual commercial rights (Thorsen & Lie, 2006). As such, the ideology transforms citizens into consumers, pushes for deregulation and privatization, defines progress and efficacy through quantifiable values, and puts all of its eggs into the market’s basket.

Neoliberalism’s impact is felt on every industry, but particularly on telecommunications. During the late 20th century, internet service providers and intermediaries received imperative support from neoliberal policies that rejected regulation of these budding economies. This ideology long dominated attitudes surrounding the free, unexplored world of the Internet and high-tech tools, paving the ways for a plethora of contemporary concerns – platform monopolies, content moderation puzzles, extreme personalization, disinformation – and leaving it without the infrastructure the needed to keep it accountable.

Beyond its direct impact on the formation of the technology industry, neoliberalism has established broader definitions of what it means for an institution to be “successful.” By championing the marketplace, neoliberalism pits public institutions against private institutions,
and values competitive, private enterprise solutions above all. Discourse on public versus private
debate leans heavily on neoliberalism-propagated assumptions that private services are higher in
quality, produced more efficiently, and more likely to lead to stronger outcomes than are public
services. While public institutions like schools and government agencies are said to be tied down
by bureaucracy, private institutions are described as free and unburdened, able to dedicate their
time and energy to new and advanced goods and services. Mottos from some of the most
recognizable public companies reiterate this rhetoric, urging their workers to “move fast and
break things,” for example. As a result, private schools, private technology solutions, and private
companies – developed with fewer regulatory guidelines – are often held in higher esteem than
public schools and government institutions.

Relatedly, the “success” of privatization and the free market finds itself rooted in the
reliance of numbers. The value of companies and schools are subjected to meticulous
measurements on multiple fronts, from the revenue they bring in to the scores of standardized
exams. Because anecdotal evidence of effective teachers or managers cannot easily be quantified
and translated to measures of efficiency and progress in the marketplace, qualitative measures
are often overlooked from review. What remains is a dependence on measurable and verifiable
data, briefly mentioned in Chapter I, which often comes from grades, numbers of citations,
numbers of sales, and more.

An interesting aspect of neoliberalism that merits more consideration is that, though its
ideology is rooted in protecting the rights of the individual, particularly commercial rights,
contemporary neoliberal economics places so much emphasis on efficiency in the market that
individualism can be sacrificed for the greater corporation. While the phenomenon of giving up
individual agency for collective identity is not unique to neoliberal economics and was espoused
by scientific management theorists referenced in Chapter I, the ability to subdue and control workers into collectivity is enhanced by the advancement of surveillant technologies.

*The Development of Surveillance Culture*

Much can be attributed to the formation of surveillance culture, but the different – sometimes contradictory – discursive practices normalizing the presence of cameras and the collection of personal information are some of the biggest culprits. Previous research noted in the literature review has investigated the role that fearmongering has played in making video cameras ubiquitous and acceptable, especially in the wake of tragic events like the September 11th attack in New York City or school shootings all across the country. And, beyond neoliberal economics, the greater ideology of capitalism and its cultural impact on the United States contributed to the idea that personal data was something to be exchanged in the marketplace for a good or a service.

Other rhetoric that supports a culture of surveillance is the language surrounding a surveillance tool’s effectiveness – that video cameras can keep communities safer, reveal the objective truth of an event, reduce crime, and engender lawful behavior. These premise messages promise grand ideals, like world peace or school safety, and when they are paired with a shiny gadget, they can create the aura of truthfulness. Premise messages are at the heart of several high-profile federal laws like the No Child Left Behind Act (2002) – both of which have been studied heavily in the literature for their push to surveil and record the behavior of students on an unprecedented scale.

Closely related to premise messages is the discourse surrounding technology as a necessary tool for any given goal. Dubbed “technological determinism,” this belief places its
faith in technological advancements to reap societal progress. One reason for the perpetuation of technological determinism is that advanced technologies increasingly appear and are marketed as blackboxes – impenetrably complex machines that the average citizen cannot understand. Blackboxing dons technologies with a veil of mystery and intrigue that externally displays an image of unquestionable genius, while it inwardly benefits from consumers’ ignorance. Additionally, technologically deterministic rhetoric appropriates social imagination to further its own goals. The claim that the greatest modern-day inventions came to life through the hard work of a genius in his garage is one of folklore-level fame, and it perpetuates hero-worship to those who break rules and expand the boundaries of what is possible. This social imagination extends to the nature of the inventions themselves, defining them as inherently decentralized portals of freedom, progress, and creativity (Castells, 2001). The privilege to define itself and manufacture its own goals and mechanisms behind a veil and through the social imagination is one that the technology industry abuses enthusiastically. Technological determinism also benefits from its inherent position in the rhetoric of neoliberalism. As mentioned in the previous section, neoliberalism pushes players towards innovation and competition in the marketplace, and innovation and competition in today’s economy necessitates advancements in technology. As such, the use and presence of technologies are commonly marketed as necessary for economic and social progress.

Along with the rhetoric of premise messages and deterministic beliefs, surveillance is also normalized through the entertainment that it provides. Surveillant business models embedded in social media platforms and Internet browsers collect an individual’s activity across the web and even across devices, transforming this information into personalized advertising, newsfeeds, music playlists, and movie suggestions. Social media and other mobile applications
also provide creative spaces for individuals to share and create with one another. Reality television shows transform near ubiquitous monitoring of strangers into mass entertainment for audience members and celebrity status fame for its participants. Services that test the genetic make-up of individuals have exploded in popularity in recent years, giving individuals the opportunity to craft family trees and discover long-lost relatives. And even security cameras have become a source of entertainment, as videos are shared from baby cameras that capture a cute moment between siblings and Ring devices that catch an individual stealing packages.

New Pushes for Accessibility

In the past few decades, a call for accommodations for those with mental and physical disabilities has grown louder. The 1970s welcomed the Federal Rehabilitation Act (1973), which required programs that receive federal financial assistance to provide accommodations for those with disabilities, including captioning and online video content. Since then, many states have passed laws that apply these requirements to colleges, as well. The Americans with Disabilities Act was enacted in 1990 to prohibit discrimination against individuals with disabilities in their employment, public accommodations, and communications. Title III of the Act specifically lists private schools and other academic institutions as public accommodations, and requires that they make efforts to provide equal access to goods and services to those with disabilities barring significant alterations to the nature of those goods and services. More recently, in 2010, the Equality Act was passed to prohibit discrimination against individuals with disabilities by academic institutions.

The increased representation of disabilities has been hugely important to the relatively new rhetoric behind accommodations. Contemporary media is increasingly pressured to show
realistic and inclusive representations of American society, which is diverse not only in race and
gender but in physical and mental abilities. At the same time, science and medicine have
explored these differing abilities with more nuance and more funding, which has contributed to
the identification of more specific diagnoses and greater numbers of individual who identify with
them. There are also increased numbers of individuals – particularly students – who require
accommodations for a variety of other circumstances. For example, there are individuals who
work part-time or have other scheduling issues, who have dependents, who live far from work or
campus, or have unique learning preferences. As a result, shifts in workplace culture and
academic course offerings are not only justified but marketed for their flexibility and
accessibility.
CHAPTER IV: DISCUSSION

This chapter devotes analysis to the ways that the micro, meso, and macro-level data are formed, interpreted, and appropriated to create change. From the themes presented in the previous chapter, I create three structured questions that investigate the ways that these data contributed to the initial implementation of Panopto at Georgetown University Law Center and its continued use today. First, in what ways does GULC – an educational institution recognized for its faculty of renowned privacy scholars – rely on existing surveillance discourse throughout the implementation process? Second, what does the language surrounding Panopto reveal about the efficacy of the law school’s steps to uphold faculty privacy and agency? And third, what are the theoretical implications of this case study?

To best answer these questions, the chapter is roughly chronologized and divided into three parts – discourse tracing through the pre-migration, discourse tracing through the post-migration, and the application of the panoptic theoretical framework – in order to clearly show the differences in the discursive practices utilized to install the technology and those utilized to perpetuate its use. The chapter closes with an offering of recommendations that can be applied to other similar cases.

Discourse Tracing Through Pre-Migration

Rhetoric from interviews and official Georgetown and Panopto documents reveal the ways that multiple levels of data interacted to push for the selection of Panopto by a committee of administrators and staff members. These interactions resulted in several overarching arguments – students wanted a more advanced lecture capture technology in their classrooms; Panopto was a representation of the direction that GULC wanted to go; faculty members could
refine their pedagogies with Panopto analytics; and concerns around surveillance would be alleviated by the creation of privacy protections and the horizontal structure of the academic institution.

Throughout the interviews with faculty, staff, and administrators at GULC, students were consistently referenced as playing an important role in the push for Panopto on campus. Interviewees felt that they owed it to their students to provide the best education, and they took great care to collect and consider students’ emotions regarding lecture capture services. In fact, language used in the interviews clearly reveals a prioritization of student needs over those of faculty members, even when they might come at the expense of the latter. This discourse is heavily consumeristic, transforming the student body into a customer base within the law school community. Marketing materials reflect this dynamic, as well, with Panopto framing every description on its website in terms of its value. The technology not only displays its features but boasts about the other institutions who have trusted in it. It stops not at the company mission but goes on to reveal the number of users it serves, its near-perfect customer satisfaction rating, and the hundreds of millions of minutes of video it hosts on its cloud (Panopto About). This consumerism is unsurprisingly not unique to the relationships between Panopto, GULC, and the law school’s student body. It reflects a capitalist model of economics and, in particular, the neoliberal ideology that inherently defines individuals as customers, their education as a service to be supplied, and their desires for Panopto as demand.

In order to remain competitive in this neoliberal model, educational institutions devote entire departments to marketing the features that their schools can provide, and GULC is no different. Interview data revealed that the admissions team at the law school, as well as the greater administration, wanted to brand the institution as technologically innovative. Moreover,
discussions about the technology took care to mention its marketability to prospective international students, some of whom learned English as their second language. Panopto was argued to be a way of achieving this image, as lecture capture technologies are ingrained with premise messages of modernization and accessible learning for all individuals. If, like the interviews indicated, all of the other T-14 law schools were headed down this road, what financial incentive would Georgetown Law have to stay behind?

Moreover, the stated desire to appear high-tech and innovation-forward is driven by other larger forces, such as technological determinism. Interviewees revealed a reliance on discourse that framed lecture capture technologies as the way to support students with learning and physical disabilities, and the way to improve pedagogy in the classroom. Intentionally or not, these discussions excluded discourse outside of technology to accomplish these “noble goals.” Under the page dedicated to its resources, Georgetown Law’s Office of Disability Services lists only a few learning accommodations – most of which involve technology as a solution. The Electronic and Information Technology Accessibility page on Georgetown’s website also describes assistive technologies as something that students need “in order to be successful.” Missing from these pages and in the lists of their resources are alternative and holistic mechanisms for accomplishing accessibility. Human note-takers and a commitment to individualized learning plans are not included and, while these are not perfect accessibility solutions on their own, their exclusion from meso-level data reinforces the strength of technologically deterministic rhetoric.

Similar language applies to the technological determinism of pedagogy. Interviews with those who participated in the pre-migration discussions heavily emphasized the promises of pedagogical improvement to both faculty and their students. One interviewee argued that
Panopto’s analytics could allow professors to review a variety of learning metrics, such as the sections of the lecture that were most reviewed and the names of the students who most frequently revisited recordings. Taking note of these students and these sections, professors could shift their teaching to address any difficulties and help students on a more individualized basis. In addition, Panopto was said to give students and faculty another platform in which they could ask questions and provide comments on the course materials. Accessibility and pedagogy, two inherently political and social issues, were instead reconstructed as goals attained only through private, technologically-advanced solutions.

Among other factors, the belief in technological determinism is encouraged by the greater surveillance culture that normalizes technologies in workplaces and in academic institutions. A video camera that hangs from the middle of a classroom ceiling loses shock value when its presence mirrors that of everyday life. Particularly because cameras in schools and workplaces have successfully utilized discursive practices in safety and accountability, these technologies are attributed as instruments for accomplishing major goals, such as the reduction of violence and the increase in efficiency. The discourse, then, surrounding lecture capture technologies – that they can be the solution to accessibility and pedagogy problems – becomes credible. Further, the growing ubiquity of work discussed in Chapter I renders many workplace boundaries nonexistent. Mobile applications and devices give employees the ability to respond to emails and check in on projects from virtually anywhere, at any time. Thus, the idea that a recording could be made of a real-time lecture and subsequently disseminated to propagate the content as a long-lasting representation of labor is not an outlandish proposal.

Finally, the most commonly cited rhetoric surrounding the pre-migration discussions was focused on retaining faculty privacy and agency. Interviews on this topic elicited a substantial
amount of language on participation and choice. Interviewees stressed that it had been the administration’s idea to invite faculty members to revise and update the GULC recording policy in 2017, as professors would most heavily be affected by the new visibility of Echo360. Moreover, professors had historically been invited to participate in various committees that formed around campus-wide decisions, and Panopto’s implementation would not take away this privilege. Faculty and staff would be free to raise concerns with the appropriate venues and propose the formation of new committees in the future. Professors were also assured that they would be given the right to retain their own materials and recordings for personal use, which granted faculty members a sense of ownership that was missing from workers throughout much of management history.

There was also considerable discourse around the opt-out function provided to faculty. Those who did not want their image and their recordings to be disseminated to their students could simply fill out a form to request that they be excluded from this practice. One interviewee exclaimed that this was the most comprehensive recording policy and faculty privacy protection that they had ever seen in an academic institution. Like the vast majority of American organizations, GULC offered this notice-and-choice model of privacy, though it was unique in its goal to maintain the status quo of an empowering, horizontal power structure among faculty and administrators.

**Discourse Tracing Through Post-Migration**

After Panopto was selected and installed as the new lecture capture technology for the greater Georgetown University community in 2018, the discourse around its continued use changed. While language around the surveillance tool before its implementation heavily focused
on its pedagogy and accessibility features, as well as its demand by students, discourse on Panopto today introduces some doubt to these justifications. Similarly, the protections and the opportunities offered to maintain faculty privacy and alleviate concerns of autonomy and agency have been met with conflicting responses. In fact, the majority of language around Panopto’s continued implementation at GULC has shifted considerably, rooted now in fear, accountability, and a lack of concern for faculty privacy.

Regarding Panopto’s potential for improving faculty pedagogy and student learning, interviewees – particularly those who teach courses at GULC – dismissed these claims. While one interviewee had claimed that the 15% opt-out rate signified that 85% of the faculty believed Panopto to be a “good thing,” language used by other participants points to differing conclusions. They stated that, even though they did not opt out of Panopto’s recording sharing, they did not use the tool in any substantial capacity. Interviewees said that they did not look at the analytics closely, if at all, and that they had “better things to do.” None of the interviewees stated that they changed their behavior or speech in any significant way as a result of the lecture capture technology being implemented across campus, and one participant even mentioned opting out of sharing their recordings to first-year students in order to preserve a more traditional learning environment. This interviewee argued that the lack of recordings made available to students was likely a more productive and pedagogically helpful tactic, as it kept students engaged in class and did not add additional pressure to do extra work outside of it. Another participant admitted that, while the students in their courses seemed like they would greatly benefit from the use of Panopto, the analytics showed that the majority of students were not watching the recordings.

GULC’s post-migration discourse also revealed a dearth of data to support many of the claims made during the pre-migration discussions. Though grand ideals of accessibility and
pedagogy were championed during that time, interviewees admitted that the law school did not have data to measure Panopto’s impact on these goals. Many questions surrounding the lecture capture technology still remain – interviewees expressed confusion as to whether Panopto’s implementation affected attendance in their classes, helped students study, or was even used by those with learning and physical disabilities. For all of the websites and official documents that reference accessibility, and all of the technologically deterministic and neoliberal marketability rhetoric that pre-migration relied on, GULC does not collect or display any aggregated statistics or anonymized anecdotes to support these claims.

Even the discourse on faculty privacy has changed significantly over time. While pre-migration discussions stressed participation and choice as a way to uphold privacy and agency, post-migration rhetoric questions the legitimacy of these measures. All interviewees admitted that the faculty-led revisions of the 2017 recording policy were minimal and restricted. The mechanisms for consent were not changed from opt-out to the more affirmative opt-in, nor did the policy offer alternatives for faculty members who did not want their image to be captured at all, regardless of whether it was distributed. Instead, the changes to the recording policy only stressed transparency, retaining the limited notice-and-choice model and requiring that all recordings still be made and retained by the law school. The decision to keep the faculty choice as opt-out also continues to place the burden of relative privacy in the hands of faculty, and makes participation with Panopto the default setting. These limitations to faculty privacy protections are further exacerbated with the revelation that the window to opt out of sharing recordings is short and comes months before the start of a given semester.

Language around faculty agency had also stressed that decisions surrounding Panopto would be open to faculty participation, though one interviewee disagreed that being part of a
committee translated to true agency. They described the experience of being part of the Video Committee as a “heavy lift” and explained that their participation was less voluntary and more related to being “handed a job.” Similarly, they explained that, while it is true that faculty can form committees to discuss any number of topics or policies, it rarely occurs unless there is a “high priority” to do so. There are currently no plans to revisit the recording policy, which was last updated in 2017 before the adoption of Panopto.

Furthermore, the claim that faculty exercise agency through giving feedback on Panopto is contested in post-migration discourse. Interviewees could not identify any Panopto-specific mechanisms for submitting comments or concerns, instead, arguing that GULC faculty feel comfortable enough to share their feedback openly and on their own terms. To support this statement, one interviewee in the Georgetown Law administration shared that privacy concerns regarding Panopto had largely disappeared in the last year, and the concerns that were shared were few in number. The interviewee justified the lack of avenues for feedback by stating that the majority of professors do not have any thoughts to share about Panopto. Despite its more intrusive capabilities, professors were said to believe that the “deliverable [of lecture capture] is still the same [as Echo360].”

Along with the discourse that faculty simply do not care about Panopto, post-migration lecture capture rhetoric is rooted largely in fear and accountability. Despite the lack of evidence to show how students truly feel and interact with the technology, interviewees continue to use student emotion to not only support Panopto’s current implementation but to advocate for expanded uses of the tool. One interviewee shared that students felt “very upset” about the restriction against secondary uses of recordings – a strict policy developed by the GULC administration to prevent students from downloading, sharing, or re-using their professors’
recordings for any use outside of pedagogy and accessibility. This interviewee incorporated language of students being the main consumers at a law school to argue that this policy be re-examined for new uses of Panopto recordings.

The arguments made to expand the secondary use policy incorporated a variety of greater surveillance norms and laws. Students were made to be consumers once again, their emotions driving a demand that was not being met by the market. And technologically deterministic language shown through in the ways that the interviewee could not imagine how GULC could retain its brand and reputation as a leading law school without the lecture capture options to prove it. New macro-level data was brought in to the discussion, as well, leaning heavily on the rich history of management theory to express the need for faculty accountability. Annual evaluations were not sufficient, they argued, to measure a professor’s competence. Especially as the law school was providing an expensive service to its customers, it is imperative that GULC routinely test for and check all claims of incompetence through access to these recordings.

Arguments to expand Panopto at GULC also relied on campaigns of fear and the belief that video footage equates to objective truth. Data from a few of the interviews showed that individuals close to Panopto valued its video camera component for its objectivity in displaying the content of the lecture, as well as the context it exists in. Other data from interviews mentioned the possibility of these recordings being used as forensic evidence or as a deterrence against criminal and other undesirable behaviors. Participants argued that the American justice system relied on objective evidence, and if need be, Panopto’s recordings would be the epitome of this example. If the current secondary use policy were to continue to be executed, faculty and students might find themselves at risk of danger or unable to free themselves from harmful accusations. This type of discourse is heavily cited in existing surveillance literature and can be
seen in numerous national and international campaigns. The War on Drugs, for example, relied on fear and employee accountability to justify mass drug testing, while the September 11th attacks sparked widespread installation of security cameras and other surveillance measures to prevent but also prepare for the next inevitable attack.

The interactions of micro, meso, and macro-level data surrounding Panopto reveal the efficacy of its pre-migration privacy protections. Its opt-out mechanism in the 2017 recording policy is limited in its ability to truly signify consent, especially as professors receive these notices several weeks before their courses begin, and because they are given short windows of time to respond. The recording policy is also oriented towards transparency, making the choice limited in its actual protections against monitoring. And, though pre-migration discourse touted opportunities for faculty to participate and practice agency, interviewees express the burdensomeness of these expectations and even the desire for some decisions to simply be made by the administration. Moreover, all interviewees admitted that there was little continued feedback on Panopto from faculty, to the point that there was no need to establish specific avenues for comments and concerns.

Of the protections in place to uphold faculty privacy and the traditionally horizontal structure of GULC, the most effective mechanism is the secondary use policy. Language used by the interviewees, whether it be colored in admiration or in annoyance, indicated that the policy was almost completely unwavering in its decision to prohibit any secondary uses of Panopto recordings whatsoever. Yet, discussions with interviewees also revealed the growing cracks in the wall. In one instance, a Georgetown Law student had pointed their personal camera at a Panopto recording, as they were unable to download the material. While information was not disclosed regarding the purpose of the student’s personal recording or the actions taken
afterward, this event points to the limitations of this policy. Further, only a year after Panopto’s implementation at GULC, a rare exclusion to the policy was granted. As part of the law school’s evaluations, faculty members are asked to sit in on another professor’s class and provide feedback. In 2019, scheduling prohibited one such faculty member from being able to do so in-person, and thus the policy was temporarily broken to allow that individual to watch the recorded lecture after receiving consent. But more significantly, the formation of the Video Committee to discuss potential expansions of the policy – including those of forensic evidence and routine evaluation – reveal the push from GULC administrators to expand Panopto’s presence.

Theoretical Implications of the Case Study

Existing research on discourse surrounding workplace and school surveillance have found a variety of practices that rely on unequal power dynamics to propagate monitoring. In much of this literature, particularly in theories stemming from the Panopticon, power is tied to the economy of visibility. Those who are watched are subjected to the watchers.

But GULC’s case study of lecture capture technology does not fit neatly into this binary power dynamic. Faculty are watched by the students and the administration through an explicitly visible camera, with shaky privacy protections. And yet, they are neither under the control of their watchers nor do they exhibit any observed forms of resistance. Students might have significant influence on technology implementation, but they are not the sole party responsible for administering the surveillance. Similarly, the administration might hold substantial decision-making power, but they are not alone in these discussions. The circumstances surrounding faculty surveillance are vastly different from those at many hierarchical organizations. At GULC, the workers interact with administrators and students collaboratively on a variety of issues and
decisions. Through their education in law, these workers have the expertise necessary to effectively push back against administrators. And like their student watchers, the workers at GULC can even be defined as consumers, and schools must work to provide an attractive learning and teaching environments to retain them.

These unique circumstances merit attention in theories of power and visibility, particularly as they offer explanations for how surveillance is implemented despite them. This paper situates the findings and the power structures of GULC within David Lyon’s model of the panopticommodity. In his model, sharp forms of surveillance engender active resistance from those who are watched, while subtle, soft forms of surveillance elicit compliance and docility as they provide individualized commodities.

I offer a new consideration for this model – the guards. Though the Panopticon introduced a binary power dynamic of constantly visible prisoners and the constantly invisible watchers in the tower, contemporary prisons employ prison guards to act as intermediaries. These guards are employed by the administrators in the metaphorical tower, but they also work in conjunction with them, reporting data that helps create new policies, for example. They wear special outfits and carry weapons to signify their position, separate from the prisoners, and they enjoy an innumerable amount of privileges in comparison to the inmates in their cells. Still, the guards are watched. Their image appears in video footage, their conduct IS analyzed for professionalism, and their dress and use of weapons are monitored for compliance. Any light that shines from the panoptic tower of the prison falls on the guards, too.

As guards, the faculty at Georgetown University Law Center rely heavily on assurances of their own privacy and agency. Their position at a highly ranked academic institution, as well as the discourse surrounding their participation and their choices, allow them to develop a
perception of immunity from the sharp surveillance of lecture capture technologies. Instead of reacting with resistance and rejection to explicit monitoring, faculty trust that their privileged position will protect them. The rhetoric deployed by the interviewees close to the Panopto process exposes this lack of concern, while the language surrounding GULC’s faltering privacy protections reveal the effects of this blind confidence.

Taking into consideration the power dynamics inherent to the actors at GULC adds nuance to the model of the panopticommodity, opening up discussion for when sharp surveillance loses its bite. By shining the tower’s light on the surveillance discourse surrounding faculty and administrators at an institution of higher education, the paper answers an important question: what do the guards think?
CHAPTER V: CONCLUSION

At the time of writing, video-conferencing and education technologies are more important than ever before. The novel coronavirus, which closed universities and non-essential workplaces across the country, ushered in an unprecedented response of widespread, non-stop use of Panopto-like tools by hundreds of millions of individuals. Likely, many of the academic institutions and organizations using tools like Panopto and Zoom did not have recording policies or privacy protections in place for their users. And as the virus continues to spread, and little is known about when schools and businesses can open their doors again, the use of lecture capture surveillance will almost certainly grow in frequency and in scope.

Zooming outwards, this paper also calls to question the “solutions” of worker privacy and agency that are granted and marketed across industries. How much value can be attributed to employee-formed committees and unstated and unwritten policies? GULC as a case study reveals the unreliability of these types of privacy and empowerment protections. Moreover, the paper finds significance in the ability to identify appropriations of greater beliefs, laws, and ideologies to present surveillance mechanisms in favorable light. The rhetoric in this case study reflects that which is used by organizations of far more imbalanced power dynamics, implying that language can easily shape our experiences, regardless of privilege or prestige.

Tracing the discourse surrounding Panopto’s implementation at GULC is an essential step to understanding how surveillance is justified, even for those at the very top. And while discourse tracing as a methodology is not used to generalize, it finds its value in transferability. The interactions between micro, meso, and macro-level data in this paper will surely resonate with other similar phenomena during this uncertain time.
APPENDIX A: INTERVIEW QUESTIONS

What is your role at Georgetown Law?

Describe the role you played in implementing Panopto and your current interactions with the tool, if any.

Describe the process for implementing lecture capture technologies at Georgetown Law, starting from Echo360 or whatever technology was used before that.

How did you become involved in the implementation process?

What were the steps in the process?

What technological considerations were addressed during the process?

What social considerations were addressed during the process?

What economic considerations were addressed during the process?

Who were the other actors in the process and what were their contributions?

How did the negotiation and decision process end? What were the results of these meetings?

How was the final decision regarding Panopto communicated to administrators, faculty, and students?

Were there any avenues for the law school to shape their adoption of Panopto? If so, what were they?

Who was involved in the creation of the recording policy?

Was the recording policy re-evaluated after the implementation of Panopto?

Were avenues made available for faculty to share their thoughts about Panopto?

Are those avenues still available today, two years after Panopto’s initial adoption?

Can you describe the feedback Georgetown Law has received about Panopto from different parties?

Has student and faculty feedback regarding Panopto changed since its initial adoption?

Are privacy concerns raised by faculty addressed in specific ways?

Do you use Panopto? Why or why not? How do you use the technology?
What is the video committee?

When was the video committee formed and what are its goals?

How are students informed about the recording policy?

How are faculty and staff informed about the recording policy?

What kinds of data are collected by Panopto?

What processes are in place to ensure recordings are properly deleted?

What does Panopto bring to the table that Echo360 did not?

What limitations does Panopto have?

Describe the current secondary use policy.

What secondary usages would you want for Panopto’s recordings and why?

What are the risks to expanding secondary usages?

Have there been any studies done by Georgetown Law to determine Panopto’s impact on the classroom?
APPENDIX B: MESO-LEVEL DATA

Georgetown University Law Center Classroom and Event Recording Policy

Because of the Law Center's baseline recording policy for all classes, and because many activities and events are also recorded, please realize that collateral private conversations and behavior occurring in recordable spaces may end up being recorded and disseminated. Recordable spaces include all classrooms and meeting rooms. From time to time, public events occurring in other spaces (e.g., a lecture in the McDonough, Hotung, or Fitness Center atrium) may also be recorded; during such events, those spaces also should be considered recordable spaces.

So, for example, a conversation or other behavior that takes place during the scheduled time for baseline recording of a class or in an event room during a break between sessions may be captured in the scheduled recording. Even if the class or event starts a bit late, ends a bit early, or regularly includes break time in the middle, the baseline recording policy for classes and the ordinary recording policy for special events mean that the recording equipment will be running for the entire scheduled time. If a special event runs over time, the equipment may continue to run. A conversation or other behavior that takes place in an atrium during a public special event may also be captured.

Please also note that, although dissemination of class recordings is limited in accordance with the policy on class recordings, dissemination of event recordings may be more widespread. Unfortunately we lack the ability to review every recording beforehand to make sure that private personal conversations and other private behavior have not been captured.

Please exercise appropriate caution when conducting private conversations or engaging in other behavior intended to be private in recordable spaces. PLEASE NOTE: Your voluntary participation in activities in recordable spaces constitutes waiver of claims that otherwise might be made under applicable DC, state or federal law with respect to private conversations and behavior that happen to be captured and recorded.

Authorized Law Center Class Recordings

In order to ensure compliance with applicable laws, such as the Americans with Disabilities Act, all classes—except those that have been designated classes in which confidential information is likely to be discussed—will routinely be video recorded by the Law Center using a camera-based recording platform that has been integrated into the Law Center’s Canvas Learning Management System. By default, those class recordings will be made available for personal use by all students registered in a recorded class. However, students are not authorized to copy, download, or disseminate those recordings to others.

Professors who do not wish to make video classroom recording generally available can designate their courses as audio-recorded classes or as classes for which recordings will not be disseminated at the beginning of each semester. Although recordings will still be made of those
classes in order to ensure compliance with applicable law, individual professors can adopt their own policies governing when recordings that are not required by law will be disseminated. Professors who do not make classroom recordings generally available may wish to make such recordings available for illness, bad weather, religious holidays, rescheduled classes, or other reasons.

Unauthorized Recordings

Students, faculty, staff, and visitors to the Law Center are not permitted to make audio or video recordings of classes, presentations, activities, or other events unless expressly so authorized by the Law Center. Unauthorized recordings—including personal recordings made by students in class—do not fall within the scope of consent established by the Law Center recording policy. As a result, the making or dissemination of such recordings can violate federal, state, or other laws that restrict the involuntary recording of conversations. Individual professors or event leaders typically have the ability to authorize private recordings of their classes or events, but if they do so, they should ensure that all attendees at those classes or events have notice of private recordings that is sufficient to serve as a basis for inferring consent to those recordings.

Panopto @ Georgetown: How-To Guides

Download a Panopto Recording

The following guide is intended for faculty and staff only. Students are not permitted to download Panopto recordings.

1. Login to Canvas and navigate to your course site that has the recordings you wish to download.
2. Click the Panopto button on the course menu.
3. Mouse over the recording you want to download and click the gear icon or Settings button.
4. Then, click here for the Panopto instructions on how to download recordings.

Fix Errors Caused by Third-Party Cookies

NOTE: In some cases, switching to a different web browser will solve the problem.

Some users may get errors when trying to access Panopto recordings. We do NOT recommend setting your browser to accept all third-party cookies. However, adding cookie exceptions for Panopto should be safer for you and your computer. This section will show you how to add the Georgetown Panopto cookie exception URL in Chrome, Firefox, Edge, and Safari.

To start, copy the Georgetown Panopto URL (https://georgetown.hosted.panopto.com/), and then follow the instructions below based on your browser.
Chrome

1. Open Chrome.
2. At the top right of the Chrome window, click the three-dot menu, and then Settings.
3. At the bottom, click Advanced.
4. Under "Privacy and security," click Site settings and then "Cookies and site data."
5. Blow the "Block," "Clear on exit," locate the "Allow" line and click Add.
6. Paste the third-party tool exception address (from the list above).
7. Select Add.

Firefox

1. Open Firefox
2. At the top right of the Firefox window, click the three-line menu button and select Preferences.
3. On the left, click the "Privacy & Security" button and go to the "Cookies and Site Data" section.
4. Click "Manage Permissions" and The Exceptions - Cookies and Site Data dialog box will open.
5. Paste the third-party tool exception address (from the list above).
6. Click Allow.
7. Click Save Changes to finish.

Edge: Unfortunately, Microsoft hasn’t enabled a whitelist or blacklist option for Edge yet. If you need more granular controls of your cookies, you should choose from one of the better-supported options above.

Safari: Unfortunately, Apple hasn’t enabled a whitelist or blacklist option for Safari yet. If you need more granular controls of your cookies, you should choose from one of the better-supported options above.

Disability Services

Georgetown University Law Center remains committed to our longstanding policy of providing academic adjustments and auxiliary aids (“accommodations”) for students with disabilities. The faculty and staff work to provide appropriate accommodations for each individual student to ensure that all students have equal access to Law Center programs and activities.

The Law Center does not discriminate or deny access to an otherwise qualified student with a disability on the basis of disability. Students with disabilities may be eligible for accommodations and/or special services in accordance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act (ADA), as amended (ADAAA). In accordance with those statutes and their implementing regulations, the Law Center does not provide accommodations to students who have not requested accommodations or who have not
adequately documented their disabilities. The Law Center also is not obligated to make fundamental alterations to, lower, or waive programmatic, course or degree requirements considered to be an essential requirement of the program or instruction, or provide accommodations that would result in an undue financial or administrative burden or hardship on the University.

The Law Center recognizes that disability-related information is sensitive and confidential and thus takes significant precautions to keep all such information secure. Documentation will be released only if the student provides written authorization to release such information or in the unlikely event that disclosure is compelled by legal process.

**Lecture Recording Retention Policy**

All classroom recordings will be retained until the eve of the first day of the semester following the semester in which the recorded class is taught.

Faculty members do not have the ability to delete classroom videos, but they do have the ability to edit classroom videos to which students have access—for example, by eliminating dead space at the beginning or end of a video, or by choosing to make a video unavailable. However, the original version of all videos will be retained by IST until the normal deletion date for those videos.

**Georgetown University Website: Electronic and Information Technology Accessibility**

Embedded YouTube video “A Personal Look at Accessibility in Higher Education” available [here](#).

**Georgetown Law Center Form: Student Lecture Recording Request**

Form available [here](#).

**Georgetown Law Center Form: Student Religious Accommodations**

Form available [here](#).

**Panopto Privacy Policy**
Use of Personal Data

This section describes how Panopto uses the Personal Data that we collect to operate our business and to provide you our Services, including improvements to those Services and in the personalization of your experiences. We may also use the data to communicate with you, providing account information, security updates and Service information. We may transfer personal information to companies that help us provide our service. Transfers to subsequent third parties are covered by the service agreements with our Customers. Additionally, data is used to market our Services, to comply with applicable laws and legal processes, to enforce our terms and conditions, and to allow us to pursue available remedies or limit any damages that we may sustain.

To provide a requested service or carry out a contract with you, we use Personal Data collected from you in the following ways:

- **Customer Support**: to diagnose and repair technical issues and provide other customer care and support services.
- **Account Notifications**: to communicate Service and account notifications to you. For example, we may contact you by phone, email, or other means to inform you of account status, usage, and billing details, and to notify you when security updates are available.
- **Security, Safety, and Dispute Resolution**: to protect the security and safety of our Services and our Customers, to detect and prevent fraud, to resolve disputes, and to enforce our agreements.
- **Providing the Services**: to carry out transactions requested by you or the respective Customer, and to provide our Services, such as the account administration, viewing, and analytical tools provided within our platform.

Where we have a legitimate interest, we may also use data collected from you in the following ways:

- **Service Personalization**: to include personalized features and recommendations that enhance your productivity and user experience enjoyment, and automatically tailor your Service experiences based on the data we have about your activities, interests, and locations.
- **Business Operations**: to develop aggregate analysis and business intelligence that enable us to operate, protect, make informed decisions about, and report on the performance of our business.
- **Service Improvement**: to continually improve our Services, including adding new features or capabilities. For example, we use error reports to improve performance features of our Services, and usage data to determine new features or Services to prioritize.

Where we rely on legitimate interest for processing your information, we carry out a ‘balancing test’ to ensure that our processing is necessary and that your fundamental rights of privacy are not outweighed by our legitimate interests, before we go ahead with such processing. To better
understand how to control the Personal Data collected for these types of processing, please see the Cookies and Similar Technology section below.

Where we have your consent, we may use data we collect to communicate with you in a variety of formats and to tailor those communications to you.

Examples include:

- inviting you to participate in surveys,
- email subscriptions,
- promotional communications from Panopto by email, SMS, physical mail, or telephone,
- recruitment, employment and education verification, background checks and human resource matters.

Cookies & Similar Technologies

Panopto and our partners may use cookies or similar technologies to analyze trends, administer the Services, track users ‘movements around, and interactions with, the platform and website, and to gather demographic information about our user base as a whole. You can control the use of cookies and similar technologies at the individual browser level.

However, if you choose to disable any of these, it may limit your use of certain features or functions on our website and Services. To manage cookies and similar technologies for your browser, see our page on How to Manage Cookies, which includes information on the types of cookies and technologies that Panopto uses.

Full version available [here](#).
BIBLIOGRAPHY


Bentham, J. (1791). *Panopticon; or, the Inspection-House*. Dublin: T.Payne.


Panopto @ Georgetown. Georgetown University. Retrieved February 10, 2020 from https://sites.google.com/a/georgetown.edu/panopto-georgetown/home.


