

Policy Rap Sheets

October 9, 2001

The ACUPA Top Ten Policy Issues

- Financing Technology
- Electronic Audit Trails/Approvals
- Computer Disposal
- Outsourcing Technology
- Delegation of Authority
- E-Commerce Procurement of Goods & Services
- Use of Fees for Technology
- Long Term Viability of Records/Preservation
- Students and Entrepreneur Activities Online
- Commercial Use of Institutional Web Sites

Topics Substituted at EDUCAUSE

- Security of Surveillance Information
- Online Privacy
- Intellectual Property
- Online Research, Fair Use & Human Subjects

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LEADERSHIP for a Changing Environment

POLICY RAP SHEET

Policy Issue

Financing Technology

Summary of Issue

The funding of technology (hardware, software, etc.) is becoming a larger and more pervasive cost of doing business for any institution, private or public. Because there are any number of vendors and types of financing available, institutions have to ensure there is some integrity and consistency in how they approach funding this critical area that contributes to the bottom-line of any institution.

Reason for Institutional Impact

- Budget resources are not infinite, whereas technology offerings seem to be.
- In the absence of any institutional policy, individual departments/units will make arrangements and sign contracts that may be in contradiction to other areas.
- Financial integrity and consistency has to remain paramount to ensure that technology that is enterprise-wide vs. departmental-specific can be balanced and fit within the established institutional framework and vision.

Links to Existing Policy

University of California (system)

<http://www.ucop.edu/ucophome/policies/bfb/is1a.html>

Cornell University

<http://www.univco.cornell.edu/policy/CA.html>

University of Missouri

<http://www.system.missouri.edu:80/uminfo/rules/business-mgmt/80040.htm>,

External Mandates/Deadlines

State or institutional budget guidelines and regulations

University Group/Units Impacted (Check those that apply)

<input type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input type="checkbox"/>	Other <input type="checkbox"/> All

Recommendations

- Make sure the administrative and technology offices are on the same page when allocating financial resources to fund software and hardware.

- Refer to or develop a strategic plan for the institution that includes the financing scheme embedded or adjacent to the plan.
- Consider instituting a “life-cycle replacement” plan that will make future purchases more predictable in terms of what financial resources are required and will be available.

Related References

Solid Foundation of IT Infrastructure & Sound Fiscal Planning, Indiana University
<http://www.indiana.edu/%7Euits/cpo/accomplish2000/c.html>,

Articulating Public and Institutional Policy Issues Inhibiting the Creation of a National Learning Infrastructure
<http://www.educause.edu/nlii/keydocs/policycover.html>,

POLICY RAP SHEET

Policy Issue

Electronic Audit Trails/Approvals

Summary of Issue

More and more enterprise activity is being conducted online. It is changing the way we approve transactions and how we document that approval. Because of this change, we should establish guidelines that support adequate approval and how can we verify that chain of approvals.

Audit trails are important not just for approvals but to determine who has seen what records. To protect privacy it is critical that the trail of electronic records be traceable to determine how the records were handled.

Reason for Institutional Impact

- Satisfy documentation requirements for transactions.
- Meet federal or state requirements for approval and privacy.
- Need an appropriate level of approval for various processes.

Links to Existing Policy

Signature/Electronic Approval Authorization, U of Illinois, Urbana-Champaign Campus
<http://www.obfs.uillinois.edu/manual/Urbana/se2-1-3.html>

External Mandates/Deadlines

Health Insurance Portability and Accountability Act of Hipaa
<http://www.itaa.org/isecehealth/hippa.htm>

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input checked="" type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input type="checkbox"/>	Students	<input checked="" type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input type="checkbox"/>	Other _____

Recommendations

- Identify highest risk transactions.
- Establish an institutional philosophy on approvals

Related References

Legal Considerations in Designing and Implementing Electronic Processes: A Guide for Federal Agencies, Department of Justice
<http://www.cybercrime.gov/eprocess.htm#IB3>

Why Signatures, PowerPoint presentation, Arizona, Office of the Secretary of State
http://www.sosaz.com/pa/presentation/ExecLeadership/why_signatures.pdf

Electronic Commerce with Verifiable Audit Trails, Jon M. Peha, Carnegie Mellon U
http://www.isoc.org/inet99/1h/1h_1.htm

Facsimile or digital signatures & electronic approvals, Minnesota Statutes 2000,
<http://www.revisor.leg.state.mn.us/stats/16B/05.html>

POLICY RAP SHEET

Policy Issue

Computer Disposal

Summary of Issue

There is a dual impact of computer disposal, one environmental and the other privacy. When computers are sold, traded, or recycled proper procedures should be take to avoid any environmental problems and the dissemination of private information that may be still stored on computers.

Reason for Institutional Impact

- High turnover of equipment and personnel.
- Decentralization of massive amounts of university information.
- Ease of transferring data throughout the institution

Links to Existing Policy

University of Oxford <http://www.ox.ac.uk/it/dispose>

External Mandates/Deadlines

- Data Practices Act
- Resource Conservation and Recovery Act (RCRA)
<http://www.epa.gov/region5/defs/html/rcra.htm>

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/> Regents/Trustees	<input type="checkbox"/> Academic
<input type="checkbox"/> President	<input type="checkbox"/> Finance
<input type="checkbox"/> Faculty	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Staff	<input type="checkbox"/> Technology
<input type="checkbox"/> Students	<input type="checkbox"/> Facilities
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other <input type="checkbox"/> All

Recommendations

- Have a central source for computer disposal and data removal.
- Establish a checklist for those that do disposal.
- Build responsibilities into recycling contracts.

Related References

- “Department of Energy Criticized by GAO”, April 2001 Federal Computer Week,
<http://www.fcw.com/fcw/articles/2001/0402/web-doe-04-05-01.asp>
- “Massachusetts Bans Computer Monitor Disposal In Public Waste Sites”, March 2000, INFORMATIONWEEK.COM,
<http://www.informationweek.com/story/IWK20000331S0006>

POLICY RAP SHEET

Policy Issue

Outsourcing Technology (Electronic Services)

Summary of Issue

The use of third-party vendors to provide new electronic services to meet business needs is increasing.

- This includes web design, external hosting of personal files, student portal services, off-campus hosting or servers or web sites.
- When establishing these outside services, be sure contract language includes references to relevant University standards, policies and guidelines.

Reason for Institutional Impact

- Ensure appropriate privacy of information maintained by external vendors.
- Follow U policies related to file back-up, advertising and privacy statements.
- Establish consistency in contract negotiations.

Links to Existing Policy

OUTSOURCING POLICY, Department of Premier & Cabinet, Victoria

<http://www.dpc.vic.gov.au/ocmpol/2136.htm>

External Mandates/Deadlines

Relevant Public Records laws

Family Educational Rights and Privacy Act - US Statute

http://www.lrp.com/ed/freelib/free_regs/bc3499.htm

Electronic Communications and Privacy Act—A Summary

<http://www.cdt.org/security/000927hr5018.shtml>

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/>	Regents/Trustees	<input type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input type="checkbox"/>	Faculty	<input type="checkbox"/>	Human Resources
<input type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input type="checkbox"/>	Students	<input type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input type="checkbox"/>	Other <input type="checkbox"/> General Counsel

Recommendations

- Establish enterprise best practices for outsourcing online activities.
- Create a standard contract that includes language to safeguard U interests.
- Establish a process for periodic review or reporting by vendors.

Related References

Calling in Help, An article about outsourcing in Governing.com

<http://governing.com/7out.htm>

OutsourcingGovernment.com, A web site devoted to outsourcing issues.
<http://www.outsourcing-government.com/>

Recent posting to an EDUCAUSE email list

Subject: Off-site student portal responsibilities
Date: Mon, 27 Aug 2001 09:27:28 -0400
From: "Morling, Adrian R" <morling@alfred.edu>
Reply-To: CPL-L@cornell.edu
To: "CPL-L@cornell.edu" <CPL-L@cornell.edu> (CPL-L)

Our university recently signed a contract for the student portal service provided by Mascot. This service is located on the vendor's server but we provide student data for them to load into the system.

My question is even though it is not operating on a university owned machine, can we enforce our policies with this system or do we have to rely on Mascot?

Also, who is responsible for ensuring FERPA is not violated with regards to the student information provided by our university? Note: the students will be allowed to update their own information (and have the option to hide any fields once they sign in).

Adrian.

POLICY RAP SHEET

Policy Issue

Delegation of Authority

Summary of Issue

The pendulum of centralized to decentralized seems to be continually swinging back and forth. Technology offers some interesting options to consider for who and when authority is delegated to what level. However, almost more importantly, the ability to display the decisions regarding delegation of authority makes it more possible to accurately communicate that information.

Reason for Institutional Impact

- Decentralization and web based services increases the need for clear authorities.
- Reorganizations and process improvements accelerate changes.
- Unclear delegations reduce chances for efficiency and effectiveness.

Links to Existing Policy

Transaction Authority, Cornell University

<http://www.univco.cornell.edu/POLICY/TA.html#RTFToC2>

University of California (System)

<http://www.ucop.edu/ucophome/coordrev/da/>

University of California, Irvine (Campus)

<http://www.abs.uci.edu/depts/mailrec/uci-da/uci-da.html>

Delegation of Authority, University of Colorado

<http://www.cu.edu/~policies/General/authexecute.html>

Reservation and Delegation of Authority, University of Minnesota

<http://www1.umn.edu/regents/policies/delegation/ReservationandDelegation.html>

External Mandates/Deadlines

Varies by State Law.

University Groups/Units Impacted (Check those that apply)

<input checked="" type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input checked="" type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input checked="" type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input type="checkbox"/>	Students	<input checked="" type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input type="checkbox"/>	Other _____

Recommendations

- Establish Underlying Principles
Example 1 <http://www.abs.uci.edu/depts/vcabs/2-4.html>

Example 2 <http://pdm.fws.gov/delauth.html>

Example 3 <http://www.financial.ualberta.ca/DelofSignAuthProc.html>

- Display delegation decisions in an easy to read and use format. Example <http://process.umn.edu:9000/test/intradocload/erik/Delegations/html/delegations.htm>
- Display delegations by position. Example <http://process.umn.edu:9000/test/intradocload/erik/Delegations/html/cfo.htm>
- Offer search just for delegations.

Related References

The Art of Delegation, By Gerald M. Blair

<http://www.ee.ed.ac.uk/~gerard/Management/art5.html>

Contracts Manager, Signature Authority, Colorado State University

<http://www.colostate.edu/Admin/cs/sigauth/sig-menu.html>

Delegations Online, UCLA

<http://www.adminvc.ucla.edu/delegation/default.html>

POLICY RAP SHEET

Policy Issue

E-Commerce Procurement of Goods and Services

Summary of Issue

There are many issues involved with how goods and services are procured at a college or university campus, especially when orders are initiated and processed using the Internet. Some are itemized below:

- Should you purchase through a vendor-hosted site, buy licensed software for your site or build your own proprietary interfaces.
- How should cost of vendor-hosted site be negotiated? (\$ volume, # of vendors, per transaction) Calculate cost, because online does not necessarily mean cheaper.
- How to minimize institutional risk in case of vendor or software insolvency?

Reason for Institutional Impact

- The university is very decentralized, and has diverse procurement needs. E-Commerce purchasing is becoming an expectation.
- Approach taken must achieve a return on investment and or meet institutional objectives.
- Need to assure that existing contracts with vendors are honored.
- E-commerce purchasing still requires the business skills to negotiate and offer the best value to the institution units.
- Need to identify roles and responsibilities for new business relationships with contract vendors, purchasing department and information systems office.
- Small and disadvantaged businesses may lack the technology to participate.
- Use of institutional authentication for access to web sites may exclude participation by former partners in consortium buying relationships.

Links to Existing Policy

University of Dublin - Even though Internet purchasing is under review.

<http://www.ucd.ie/~procure/html/homepage/policy.htm>

External Mandates/Deadlines

OMB A-110, Requirements for Grants and Contracts

<http://www.whitehouse.gov/omb/circulars/a110/a110.html>

University Groups/Units Impacted (Check those that apply)

<input checked="" type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input checked="" type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input checked="" type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input checked="" type="checkbox"/>	Facilities

_____ Public _____ Other _____ All _____

Recommendations

- Make Internet buying easy to prevent “maverick” buying.
- Consider having vendors help fund technology improvements. (See BIS Example: <http://bidinfo.umn.edu/public/BISAbout.asp>)
- Collaborate with other organizations for volume buying.
- Ensure Procurement Office review that incorporates institution’s transaction authority guidelines, accepted business principles, and return on investment.

Related References

Report: Internet Purchasing Not a Cost Saver

<http://www.ecommercetimes.com/perl/story/9031.html>

Purchasing Department Web Sites,

<http://purchasing.about.com/cs/purchasingwebs/>

The Ultimate Purchasing System, State of Washington

<http://www.ga.wa.gov/pca/ups/upshome.htm>

POLICY RAP SHEET

Policy Issue

Use of Fees for Technology

Summary of Issue

How to fund current and ongoing technology costs will be an issue for years to come. It is critical to find the right balance between enterprise wide costing and allocating costs more directly to the users.

Reason for Institutional Impact

- Decisions affect technology resources.
- Fees must be balanced with tuition increases and mission.

Links to Existing Policy

Operating Guidelines—Student Technology Fee, Central Missouri State U.
<http://www.cmsu.edu/provost/APR/AP&R18-studentechfee.pdf>

Technology Access Fee, University of Minnesota Crookston
<http://www.crk.umn.edu/people/services/businessaffairs/StudentFees.htm>

Educational and Technology Fee: 2001-2002 Memo, North Carolina State U.
<http://www.ncsu.edu/provost/budget/etf/memo.html>

External Mandates/Deadlines

State or System regulations

University Groups/Units Impacted (Check those that apply)

<input checked="" type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input checked="" type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input type="checkbox"/>	Faculty	<input type="checkbox"/>	Human Resources
<input type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input type="checkbox"/>	Facilities
<input checked="" type="checkbox"/>	Public	<input type="checkbox"/>	Other _____

Recommendations

- Consider offering daily computer rental.
- Decisions should include input from students.
- Use fees for “visible technology”.

Related References

Proposal to Establish a Campus-Wide Technology Fee,
The Ohio State University, April, 2001 (includes benchmarking)
<http://www.osu.edu/units/stac/proposal.html#benchmark>

Southern Director's Technology Fee Survey,
<http://www.fau.edu/irm/css/soudir/Techfees.pdf>

POLICY RAP SHEET

Policy Issue

Long-term Viability of Electronic Records

Summary of Issue

Without reliable electronic records, colleges and universities will be unable to manage and defend themselves -- they will lose their memories and be at significant risk.

Reason for Institutional Impact

- Unlike paper records, which contain their content, context and structure within a visible document, electronic records separate these key elements. While the content of a message may be somewhat familiar, the context and structure are embedded in hardware and software.
- Without knowledge of the operating system and application software that interprets the record, the content itself is often useless, and the broader structure and context is entirely lost.
- Without a proper migration plan, as hardware and software are upgraded, the context and structure of records that are migrated forward can be lost, as well as the relationship among documents.
- The records that are not migrated, but left behind in a system that is no longer supported are, of course, at even greater risk.

Links to Existing Policy

Many institutions have policies about retention of records, including electronic records.

- MIT: <http://web.mit.edu/policies/13.3.html>
- Cornell: <http://www.univco.cornell.edu/policy/RR.for.html>

But, as there are currently few easy technical solutions to these problems, the policies do not reflect the requirements to make long-term access possible and reliable.

External Mandates/Deadlines

The retention of records at state institutions will be governed by state records disposal schedules. Some state institutions, such as:

Minnesota State Archives

<http://www.mnhs.org/preserve/records/contact.html>

New York State Archives have electronic records programs, and may be in a position to offer guidance on these issues.

<http://www.sara.nysed.gov/>

University Groups/Units Impacted

____ Regents/Trustees ____ Academic
____ President ____ Finance

<input type="checkbox"/> Faculty	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Staff	<input type="checkbox"/> Technology
<input type="checkbox"/> Students	<input type="checkbox"/> Facilities
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other <input type="checkbox"/> All Units

Recommendations

These problems require collaborative solutions. Archivists, record managers, auditors, policy administrators, information systems professionals, and librarians each play a role in collecting, managing, and providing access to information. All of these players, and perhaps many others, must work together to solve the problem of managing electronic records

Related References

The text of this RAP sheet has been drawn from an article, "Our institutional memory at risk: collaborators to the rescue," by Timothy J. McGovern and Helen W. Samuels (CAUSE/EFFECT Fall 1997). Further details about this problem and proposed solutions can be found at: <http://www.educause.edu/ir/library/html/cem9735.html>

POLICY RAP SHEET

Policy Issue

Students and Entrepreneur Activities Online

Summary of Issue

Are students, faculty or staff permitted to use the institution's server to conduct for-profit activities? If so, what are the parameters?

Reason for Institutional Impact

- Question of non-profit status of institution when entities use computer resources for for-profit use
- Increase in server traffic for non-educational purposes.

Links to Existing Policy

According to a 1999 Study on Computer Use Policies at Major U.S. Public Universities (Susan Athey), forbidding the use of computers for "commercial gain" or "personal financial gain" were the next most-frequently cited computer policies of institutions of higher education, after appropriate use of email and electronic communications.

<http://www.educause.edu/ir/library/html/cem9940.html>

University of California Electronic Communications Policy, "Allowable Use"
University electronic communications resources may not be used for commercial purposes not under the auspices of the University; personal financial gain (except as permitted under applicable academic personnel policies)

http://www.ucop.edu/ucophome/policies/ec/html/ecppolicy_sectionIII_allowableuse.htm#SectionIII-B

Cornell University: Using e-mail to solicit sales or conduct business, setting up a web page to advertise or sell a service, or posting an advertisement to a news group all constitute commercial use.

<http://www.cit.cornell.edu/computer/responsible-use/#comercial>

EDUCAUSE Information Resources Library: Acceptable Use/Ethics Policies

http://www.educause.edu/asp/doclib/subject_docs.asp?Term_ID=110

External Mandates/Deadlines

None

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/>	Regents/Trustees	<input type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input checked="" type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input type="checkbox"/>	Other <input type="checkbox"/> All

Recommendations

- Establish and disseminate an institutional policy regarding for-profit use of the institution's information technology resources

Related References

Office of Management and Budget Circular A21, Cost Principles for Educational Institutions

<http://www.whitehouse.gov/omb/circulars/a021/a021.html>

POLICY RAP SHEET

Policy Issue

Commercial Use of Institutional Web Sites

Summary of Issue

Well-understood policies govern commercial use of University facilities. With the new capability of many departments to publish on the Web, individuals and organizational units unfamiliar with the basic policy framework are now mixing commercial and educational activities ranging from Amazon links on departmental web pages to sale of goods to the general public.

Reason for Institutional Impact

- Institutional image, actual and implied conflict of interest in dealings with commercial vendors,
- Potential liability for inadequate security for such sensitive information as credit card numbers and personal purchasing records,
- Potential violation of rules governing contracts,
- Potential liability for unfair competition,
- Potential liability for taxes on unrelated business income.

Links to Existing Policy

USE OF UNIVERSITY EQUIPMENT

Business and Finance Bulletin BUS-29, Management and Control of University Equipment

Policies Applying to Campus Activities, Organizations, and Students

USE OF THE UNIVERSITY'S NAME

State of California Education Code, Section 92000

Policy On Support Groups, Campus Foundations, And Alumni Associations

SPEECH AND ADVOCACY

Policies Applying to Campus Activities, Organizations, and Students

PRIVACY

Business & Finance Bulletin RMP-12, Guidelines for Assuring Privacy of Personal Information in Mailing Lists and Telephone Directories

COMMERCIAL ADVERTISING

Statements in letters from former presidents Saxon and Gardner

Business & Finance Bulletin RMP-12, Guidelines for Assuring Privacy of Personal Information in Mailing Lists and Telephone Directories

UNRELATED BUSINESS INCOME

Business & Finance Bulletin A-61, Procedures for Determining Unrelated Business Income and Expenses

PURCHASING

Business & Finance Bulletin BUS-43, Materiel Management Purchase Transactions, Part 3

<http://www.ucop.edu/ucophome/policies/bfb/bus43e.html>

Business & Finance Bulletin BUS-43, Materiel Management Purchase Transactions, Exhibit B, Principles of Purchasing and Code of Ethics
NAMING
Policy on Naming University Properties, Programs, and Facilities

External Mandates/Deadlines

IRS rules on unrelated business income for Internet activities may affect liability; state rules on use of public property.

University Groups/Units Impacted (Check those that apply)

<input checked="" type="checkbox"/>	Regents/Trustees	<input type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input type="checkbox"/>	Facilities
<input checked="" type="checkbox"/>	Public	<input checked="" type="checkbox"/>	Other <input type="checkbox"/> All

Recommendations

- Issue policy and user-friendly end-user material to lay out general use-of-resources policy and apply specifically to Internet activity.
- Distribute widely and conduct educational campaigns.

Related References

For specific links on this document, contact Martha Winnacker:
martha.winnacker@ucop.edu

POLICY RAP SHEET

Policy Issue

Security of Surveillance Information and Technologies Used for Surveillance

Summary of Issue

Technologies are being developed at a rapid pace that are designed for, or can be used for, surveillance on individuals including, infra-red cameras at traffic lights, chips inserted in Alzheimer patients and children, "facing" cameras at public gatherings and key card access devices. Without guidelines or policies, personnel who have the ability, have the opportunity, and either have or think they have the authority can use these technologies without being fully aware of the violations of privacy and law that they may be committing. What policies are needed to protect institutions from inadvertent or abusive behaviors of system administrators responsible for such technologies?

Reason for Institutional Impact

Colleges and universities have a particular concern in regards to surveillance activities. Federal law (The Family Educational Rights and Privacy Act, FERPA) protects student record information. Institutional impact can include:

- Violation of Federal Law
- Increased liability from individual rights violation suits
- An atmosphere of distrust and cynicism among faculty, staff and students

Links To Existing Policy

None

External Mandates/Deadlines

- Family Educational Rights and Privacy Act
- Rapidly emerging potential law

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/> Regents/Trustees	<input type="checkbox"/> Academic	<input checked="" type="checkbox"/> Campus police
<input type="checkbox"/> President	<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Attorneys
<input checked="" type="checkbox"/> Faculty	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> Parents
<input checked="" type="checkbox"/> Staff	<input type="checkbox"/> Technology	<input type="checkbox"/> Auditors
<input checked="" type="checkbox"/> Students	<input type="checkbox"/> Facilities	<input type="checkbox"/> Risk Management

Recommendations

- Policy for system administrators logging and monitoring and how far to go
- Registrar/system administrator dialogues regarding FERPA and requirements
- Training for system administrators regarding data protection, sensitivity, & law
- Attorneys define if, when and how, logs can be turned over to law enforcement
- Identify all surveillance technologies on campus and inform the community about their purpose, use, and if such collected data is stored, shared, or released

Related References

Final report: 2001 NSF Logging, Monitoring, and Privacy Project-U of Michigan
Questions on report contact Virginia Rezmierski, ver@umich.edu.

POLICY RAP SHEET

Policy Issue

Online Privacy

Summary of Issue

How to strike a balance between the need for institutions to monitor traffic and collect data from their Web sites and the public's right to know what data are being collected and how that information is being used.

Reason for Institutional Impact

- Decisions have state and federal legal repercussions
- Decisions may have financial repercussions
- Decisions affect technology resources

Links to Existing Policy

Collecting Information from Visitors to University Web Sites: University of Minnesota
http://www.fpd.finop.umn.edu/groups/ppd/documents/policy/online_privacy.cfm

Online Privacy Statement: Pennsylvania State University:
<http://guru.psu.edu/policies/AD53.html>

Adobe Online Privacy Policy: <http://www.adobe.com/misc/privacy.html>

External Mandates/Deadlines

System, State and Federal laws and/or regulations

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/>	Regents/Trustees	<input checked="" type="checkbox"/>	Academic
<input type="checkbox"/>	President	<input checked="" type="checkbox"/>	Finance
<input checked="" type="checkbox"/>	Faculty	<input checked="" type="checkbox"/>	Human Resources
<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Technology
<input checked="" type="checkbox"/>	Students	<input type="checkbox"/>	Facilities
<input type="checkbox"/>	Public	<input checked="" type="checkbox"/>	Other <u>General Counsel</u>

Recommendations

- Be sure to use disclaimers on all publicly accessible Web sites that clearly state what information is being collected and refer users to another Web site where they can find more detailed information about how the information is being used.
- Provide on-going education for the campus community to ensure awareness.
- Establish a process for periodic review.

Related References

Privacy Foundation: <http://www.privacyfoundation.org/>

Online Privacy Alliance: <http://www.privacyalliance.org/>

Children's Online Privacy Protection Act (COPPA): <http://coppa.org/>

POLICY RAP SHEET

Policy Issue

Intellectual Property – Patents, Copyrights, Trademarks, and Trade Secrets

Summary of Issue

The ownership, management, and appropriate use of intellectual property in the college and university environment have become extremely contentious issues, particularly with the advent of networked digital technologies and the economic imperative to commercialize research. Intellectual property may include copyrights, patents, trademarks, and trade secrets. Traditionally, policies have focused on facilitating technology transfer, especially the ownership and management of research results, largely in the form of patents. Computer software extended policy development into the field of copyright because software can become eligible for either a patent or a copyright. More recently, growth of technology mediated instruction, the proliferation of electronic scholarly publishing, and opportunities for distance education has revitalized interest in copyright policy, particularly the ownership of faculty generated works and the digital use and reproduction of copyrighted works created by others. Guidelines that govern the use of copyrighted materials are increasingly necessary because of the complexity of the law and ease by which materials can be digitized and redistributed. The University name and its logos and identify are an increasingly valuable source of intellectual property that in some cases produce a lucrative revenue stream.

Reason for Institutional Impact

The ownership and control of intellectual property is an issue that crosses the boundaries of law, academic policy, and economic interests of both the institution and the creator. The legal determination of ownership is necessary to facilitate legal transactions (transfer of ownership, licensing arrangements, royalty payments, etc.)

The economic interests of institutions to recoup their investment and support their academic programs are important cornerstones in how technology transfer is managed in a research university setting. A fair distribution of royalties between inventors or creators and their institution is an accepted practice for inventions and patented technologies. Academic freedom concerns, however, support the development (often codified in institutional policy) of a “teacher exception” to the legal rule that works created by “employees” in the “scope of employment” are owned by the faculty creator – not the employing institution. The potential for legal liability when students or employees infringe upon the intellectual property rights of others is another reason for establishing appropriate policies and procedures. Maximizing revenues, minimizing liabilities, and optimizing collaboration and partnerships are common strategic directions which have significant intellectual property implications.

Links to Existing Policy

Intellectual Property Policies

<http://www.umd.edu/copyown/policies/ip.html>

Patent Policies

http://www.umd.edu/copyown/policies/resources/patent_policies.html

Copyright Ownership Policies

<http://www.umd.edu/copyown/policies>

Copyright Use Policies

<http://www.umd.edu/copyfair/policies>

Trademark Policies or Use of the University's Name

http://www.umd.edu/copyown/resources/trademark_policies.html

Conflict of Interest and Commitment Policies

http://www.umd.edu/copyown/resources/conflict_policies.html

External Mandates/Deadlines

Patent Law: An Overview

<http://www.law.cornell.edu/topics/patent.html>

Bayh-Dole Act

<http://www.cogr.edu/bayh-dole.htm>

Work Made For Hire Definition, Section 101 of United States Copyright Act, Title 17 U.

S. Code <http://www.loc.gov/copyright/title17/>

Liability for Materials Online, Section 512 of the United States Copyright Act, Title 17

U.S. Code <http://www.loc.gov/copyright/title17/>

Trademark Law: An Overview

<http://www.law.cornell.edu/topics/trademark.html>

University Groups/Units Impacted (Check those that apply)

<input checked="" type="checkbox"/> Regents/Trustees	<input checked="" type="checkbox"/> Academic
<input checked="" type="checkbox"/> President	<input type="checkbox"/> Finance
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> Human Resources
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Technology
<input checked="" type="checkbox"/> Students	<input type="checkbox"/> Facilities
<input checked="" type="checkbox"/> Public	<input checked="" type="checkbox"/> Other <input type="checkbox"/> All

Recommendations

Crafting a comprehensive Intellectual Property Policy that covers all of the nuances of patents, copyrights, trademarks, and trade secrets in their various applications in a college and university environment is an awesome task. Concerns about online course materials on the one hand (mostly an issue under copyright law) or patented technologies on the other (mostly an issue under patent law) often involve different constituencies and may result in different policy outcomes. A narrowly crafted policy that focuses on a specific form of intellectual property (e.g., copyright) or a particular application (copyright policy issues for distributed education) may be a more expedient and effective approach. Regardless of the scope of the policy, shared governance

principles would suggest that faculty, staff, and students (i.e., potential inventors, creators, and developers or users of intellectual property) should be consulted and appropriately involved in both policy development and implementation.

Related References

A Tutorial On Technology Transfer In U.S. Colleges and Universities
<http://www.cogr.edu/techtransfertutorial.htm>

AAUP Statement on Government of Colleges and Universities
<http://www.aaup.org/govern.htm>

CopyOwn <http://www.umd.edu/CopyOwn>

CopyFair <http://www.umd.edu/CopyFair>

University of Texas System Intellectual Property Section
<http://www.utsystem.edu/OGC/IntellectualProperty/>

IUPUI Copyright Management Center <http://www.iupui.edu/~copyinfo/>

Council on Government Relations <http://www.cogr.edu>

Association of University Technology Managers <http://www.autm.net>

“Who Owns Online Courses and Course Materials? Intellectual Property Policies for a New Learning Environment”
<http://www.center.rpi.edu/PewSym/mono2.html>

CETUS Discussion Series <http://www.cetus.org/>

Digital Millennium Copyright Act Summary
<http://www.loc.gov/copyright/legislation/dmca.pdf>

United States Copyright Office <http://www.loc.gov/copyright/>

United States Patent and Trademark Office <http://www.uspto.gov/>

POLICY RAP SHEET

Policy Issue

Online Research, Fair Use and Human Subjects

Summary of Issue

With the availability of the WWW and the increased ease in reaching large numbers of individuals online, researchers at colleges and universities have begun to use the networks for many different on-line research projects. Within the more traditional person-to-person environment researchers have been accustomed to seeking a review of their proposed projects by the campus Institutional Review Board, IRB. Such reviews are designed to ensure that adequate protections for human subjects are built into each study. On-line, however, it is easier, but inappropriate, to forget about or omit such review processes. Many researchers also assume that data protections and security are provided on the networks and that there will be privacy for their research subjects when this often does not exist online.

Reason for Institutional Impact

- Increased suits from individuals harmed by failures in data protection
- Loss of federal research money for failure to comply with mandated IRB process

Links to Existing Policy

None

External Mandates/Deadlines

Food and Drug Administration

Code of Federal Regulations, Title 45, Public Welfare.

Department of Health and Human Services, National Institute of Health

Federal Office for Protection from Research Risks

Part 46-Protection of Human Subjects, 1991, Revised 1991

University Groups/Units Impacted (Check those that apply)

<input type="checkbox"/> Regents/Trustees	<input type="checkbox"/> Academic	<input type="checkbox"/> Campus police
<input type="checkbox"/> President	<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Attorneys
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> Human Resources	<input type="checkbox"/> Parents
<input type="checkbox"/> Staff	<input checked="" type="checkbox"/> Technology	<input type="checkbox"/> Auditors
<input checked="" type="checkbox"/> Students	<input type="checkbox"/> Facilities	<input checked="" type="checkbox"/> Risk Management
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other	

Recommendations

- Training for IRB members and researchers regarding network security and data protection
- Information for deans and researchers regarding importance of IRB process and special issues in on-line research

Related References

Brainard, J. "U.S. Regulators Permit Research Projects to Resume at Virginia Commonwealth U." Chronicle of Higher Education.

<http://chronicle.com/daily/2000/02/20000020204n.htm>

Frankel, M. Siang, S. 1999, "Ethical and Legal Aspects of Human Subjects Research on the Internet", report of a Workshop, June 10-11, 1999, Washington D.C., Scientific freedom, Responsibility and Law Program, Directorate of Science and Policy Programs, American Association for the Advancement of Science.

Brainard, J. 2000, "Spate of Suspensions of Academic Research Spurs Questions About Federal Strategy", Chronicle of Higher Education.

<http://chronicle.com/cgi2-bin/printable.cgi>

Brainard, J. 2000, "U.S. Agency Seeks Power to Find Universities That Violate Rules on Human Research Subjects", Chronicle of Higher Education,

<http://chronicle.com/cgi2-bin/printable.cgi>.