

**Minutes of the Faculty Senate
February 24, 2003**

Senators present -- Kris Bartanen, Terry Cooney, Julian Edgoose, Bill Haltom, John Hanson, Kathie Hummel-Berry, Chris Kline, Juli McGruder, Hans Ostrom (Chair), Karen Porter, David Tinsley, Alexa Tullis (Secretary), Roberta Wilson, (Vice-Chair)

Visitors Present -- Ben Avery, Theodore Taranovski, Ben Zamzow

Agenda Item #1 -- Minutes of 2/17/03 were approved.

Agenda Item #2 --

a) Special Orders -- **Tullis** read a statement expressing concern about the new Program in Science, Technology, and Society. This statement is printed below:

Some Biology and Chemistry faculty are concerned about the new Program in Science, Technology, and Society. Although the name of this program suggests that it teaches science, as far as many can tell it appears to deal more with the philosophy and history of science and technology than it does with actual hands-on science. A review of the proposed courses confirms this suggestion, which concerns some Biology and Chemistry faculty. A simple name change to a Program in the Philosophy and History of Science, Technology, and Society may alleviate these concerns.

There was also some dissatisfaction of the process that lead to the adoption of this new major. Namely that the process seemed rushed and did not receive adequate input from faculty in Biology and Chemistry.

b) Suggestion Box -- **Ostrom** read two items:

- i) Some faculty feel that it is difficult for married faculty, especially their families and spouses, to become integrated into the university.
- ii) Some faculty feel that single faculty members are not well integrated into campus life.

Ostrom stated the Senate may wish to hold a forum where faculty concerned with these issues could discuss these matters.

Agenda Item #3 -- Continued discussion of the documents related to confidentiality, privacy, e-mail, and weapons.

Hanson opened the discussion by asking for clarification of the status of the PSC's recommendations. Have they been integrated into the documents? Is there still time for comment and change? **Cooney** clarified the history of the changes and stated that the PSC was simply reporting back to the Senate after being charged with reviewing the documents. There is still the opportunity to comment on the documents and make suggestions for changes before sending them to the President for final approval.

Haltom stated that the rationale for the policies as explained at the 2/17 meeting by Karen Goldstein seemed similar to the drug-use policy of the early '90s → UPS faculty were being held to a higher standard than required by federal and state law. If outside auditors are our primary concern with respect to internet confidentiality, why not simply employ standard internet technology (IT) confidentiality features (e.g., pop up warnings that state that you are about to access confidential information and require you to click a button before the said page can be accessed)?

Haltom also questioned the language on p. 6 of the 2/25/03 PSC report. Printed below:

"Confidential information" may include any information, in whatever form, that the University states through its officers, policies, and publications to be confidential or proprietary information relating to the University. Confidential information includes but is not limited to

information relating to the University's databases, inventions, software (including source code and object code), business procedures, purchasing, accounting, marketing and marketing plans, licensees, and contracts. It includes information about the University's financial status other than that published in the annual financial report. Information about individuals associated with the University as students, employees, donors, trustees, parents, alumni, parties to agreements, or business associates will be considered confidential except as provided for in policies covering student and employee information, as made general knowledge through University publications, or as allowed with the consent of those concerned. Confidential information may include business information developed by University personnel, alone or with others, or information entrusted to the University by its students, employees, constituents, or associates.

Cooney stated that this language was drafted by the PSC as an attempt to clarify what it meant by "confidential information". **Haltom** claimed that this paragraph actually states that information is confidential unless the university says that it is not. **Haltom** again expressed the opinion that IT could fix the confidentiality problem.

Edgoose wanted to know what exactly needed securing. Is it (a) the entire system or (b) specific information within the system? Cooney stated that both things need addressing and that the auditors were concerned with system-wide security.

Hanson agreed with Haltom that the general nature of what constitutes Confidential Information in the document potentially opens up huge problems for those signing the Confidentiality Agreement. **Hanson** suggested that it might be better to have people sign agreements for specific items as needed.

Taranovski stated that the length of time that one is bound by the agreement after signing it becomes problematic if the policy changes.

Edgoose asked if staff and faculty needed to sign the same document. Cooney said that he doesn't know that it matters, and that the main thing is that the policies are University-wide policies. The signature simply affirms that a person has read the agreement.

Haltom said that if that is what the signature is for then it doesn't matter what one signs. Attempting to refocus the discussion, **Haltom** claimed that we were back to not knowing what to do with the documents and agreement. His main points were:

1. Faculty and Staff need legal guidance on the documents
2. Having the same documents for the faculty and staff was a double-edged sword because the work-lives of these two groups are very different.
3. That said, the faculty probably doesn't want to sell the staff out where these documents are concerned.

McGruder brought up the issue of computer use. If we are only to use university computers for university work, then we should use our home computers only for our personal use.

Kline wanted to make sure that we keep the need for PRIVACY in the discussion.

(The minute-taker's head is now spinning as she tries to keep up with the fast-paced discussion.)

Cooney wondered aloud what would happen if no policy existed but, rather, the University made it clear what the boundaries are regarding what is private and confidential. How could we draft language to this effect without being offensive?

Ostrom made the suggestion that we assign subcommittees to examine the language in the problematic but not controversial documents (i.e., the E-mail, Privacy, and Information documents ... but NOT the Confidentiality Agreement). The subcommittees would discuss the documents and make suggestions to

the entire senate during the 2nd meeting in March. This suggestion was met with rousing applause (not really, but the suggestion seemed to go over well) and the subcommittees are:

- Privacy Document –Wilson and Tullis
- E-mail Document – Porter and Tinsley
- Information Document – Hanson and Edgoose

Ostrom suggested that the Confidentiality agreement was by far the most controversial and the Senate should deal with this one separately.

Hanson suggested that the PSC members who were instrumental in documenting the Confidentiality document could explain to the Senate what they were trying to accomplish and what their concerns are. Two names that came up with respect to this suggestion were Don Share and Wade Hands.

(the minute-taker is not exactly sure of the transition here ... it seems that someone asserted that confidential information could be anything)

Cooney stated that confidential information only refers to “information about individuals”.

Ostrom asserted that this language does not really define anything ...

Haltom took issue with the word “may” in the document ...

Cooney said something about how the language must be parallel ...

(the secretary is a bit lost here but it seems that the gist of the argument was that anything could be labeled “confidential”)

Tinsley suggested that we could just list the items that are confidential.

Cooney said that trying to derive such a list would be way too complicated and problematic, especially since we’re not just dealing with documented information.

Hanson asserted that perhaps we should focus on the PROCESS for resolution of conflicts. The PSC did a good job of articulating how conflicts with these policies would be handled fairly.

Ostrom expressed concern that the confidentiality statement is soooooo problematic that it may be better to rethink the entire policy.

Tinsley suggested that we bring the issue to the entire faculty. **Edgoose** stated that the issue seemed to be one of trust and wondered how we could draft language that retained trust. **Hanson** pointed out that without trust, it doesn’t matter what the documents say. Some additional discussion on this matter ensued.

Haltom suggested that the administration articulate the ends that these documents are supposed to meet at a full faculty meeting and then discuss the means that would be best to meet those ends. **Taranovski** stated that policy discussion should always include the issue of cost. In this case, the cost of liability.

With the help of Senators, **Ostrom** then articulated the issues that should be discussed with the entire faculty:

1. The definition of “confidentiality” ... currently the definition is problematic.
2. The use of IT security and/or confidentiality agreements that target specific items.
3. The fact that the current document is offensive to many faculty.
4. The difference between faculty and staff with respect to policy provisions.

Edgoose wondered if senators would be “spinning their wheels” (the secretary’s cliché) by looking at individual policies before they are discussed with the full faculty. **Cooney** reminded the senators that

these policies are already in place. Having senators examine the language to determine if there was a way to modify it to be less offensive would be valuable.

Ostrom asked Hummel-Berry and Kline to ask Karen Goldstein to clarify the definition of confidentiality.

At this late hour, the senate for some reason began discussing the weapons policy. **Haltom** stated that, in his opinion, the most objectionable part of this document was the language that essentially says that a person can refuse to be searched but that consent to a search is required as a condition of employment and refusal of consent will result in "corrective action". **Taranovski** expressed concern about some of the key language; namely, what exactly constitutes "university business" and what "weapons of any kind" means?

(the minute-taker does not have a computer version of the weapons policy so she did not insert the paragraphs in question. She will be glad to insert them if someone sends her the file)

Ostrom said it was time to go and that our next meeting would focus on the class schedule.

Respectfully submitted,

Alexa Tullis

Secretary of the Faculty Senate