

FACULTY SENATE EXECUTIVE COMMITTEE
Minutes of October 25, 2000 - (approved)
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The Faculty Senate Executive Committee met at 2:00 PM on October 25, 2000, in Capen 567 to consider the following agenda:

1. [Report of the Faculty Senate Computer Services Committee - Professor Lorna Peterson, Chair](#)
2. [Report of the Chair](#)
3. [Report of the President/Provost](#)
4. [Security issues for access to e-mail - Chief Information Officer Voldemar Innus, Vice Provost Bruce Pitman, Senior Associate Vice President Peter Rittner](#)
5. [Report of SUNY Senate meeting in Morrisville, NY](#)
6. Old/new business

Item 1: Report of the Faculty Senate Computer Services Committee

Professor Peterson described the Committee as very involved in increasing the voice and influence of the faculty in IT decision making. Members of the Committee attended open interview sessions with candidates for Vice Provost for Educational Technology. The Committee is working on a survey of faculty satisfaction with IT at UB.

In a discussion with the Committee, Chief Information Officer Innus asked what level of computer support should be available to faculty. In response the Committee drafted a standard recommending the following minimal levels of computer support for all full time faculty. First, faculty should be provided with hardware and software that meet the minimum specifications for student hardware and software established by the iConnect@UB Hardware and Software Standards Subcommittee. Second, faculty use of that hardware and software and their efforts to incorporate IT into their teaching and research should be supported at a level that meets the published service standards of CIT, the University Libraries, the

Educational Technology Center and the nodes.

The Chair opened the floor for questions and comments:

- this is an unfunded mandate (Professor Meacham)
- the Committee hopes that most faculty already have this minimum level of support, so that bringing all faculty up to minimum will not be prohibitively expensive (Professor Peterson)
- have made \$200K available to the nodes to upgrade faculty equipment, but that will not be enough to completely solve the problem (Vice Provost Pitman)
- is there a University policy that all faculty offices are wired? (Professor Farkas)
- do not have a policy requiring faculty offices to be wired, but would guess that most offices are wired (Vice Provost Pitman)
- do the TA's who teach the lower level courses have access to the software the students have and do they have access to other than public computers? (Professor Booth)
- the agreement with Microsoft gives all students access to the software; am talking with the nodes about machine access for TA's (Vice Provost Pitman)
- access for part time faculty is also an issue; the Committee encourages Deans to ensure them access to hardware and software (Professor Peterson)
- survey faculty to see what access they have (Professor Easley)
- am asking the node directors and the deans for at least a snapshot of the hardware their faculty have (Vice Provost Pitman)

There was a motion (seconded) to put the Committee's recommendations on the agenda for the November 7 meeting of the Faculty Senate. The motion passed unanimously. **Item 2: Report of the Chair** The Chair reported that:

1. last weekend the SUNY Faculty Senate met
2. there will be a memorial for Professor Albin on October 26 in the Medical School Complex; Professor Albin was a long time member of the FSEC and Chair of the Governance Committee
3. in a follow up to an FSEC discussion with the Provost about late grades, the Registrar provided a report on the number of grades for Spring 2000 that have not yet been submitted; the number of late grades might be reduced by a statement from the Faculty Senate on the responsibility of faculty to submit grades in a timely manner

- rather than issuing a general statement, write a personal letter to faculty who have not yet submitted Spring grades (Professor Boot)
- deans and department chairs should deal with this, and there should be consequences to the faculty member (Professor Schack)
- agree that this is an administrative issue (Professor Meacham)
- if no grades are submitted for a course, how are students' transcripts marked? (Professor Farkas)
- with a "J" (Professor Baumer)
- students applying for graduate programs may be hurt by the lack of a grade and their financial aid may be affected (Professor Meacham)
- the Undergraduate Curriculum Committee felt that UB's faculty culture is tolerant of submitting late grades; if that is a correct perception, a statement by the Faculty Senate about the importance of submitting grades on time would be helpful (Provost Capaldi)
- will write a letter to the Reporter encouraging faculty to get grades in on time and administrators to follow up on late grades (Professor Nickerson)
- check whether there has been administrative follow up on Spring grades that are still unreported (Professor Schack)
- a related problem is the number of faculty who do not provide mid-semester grade reports for freshmen (Dr. Coles)
- faculty are aware that they are responsible for reporting grades so just restating the policy won't accomplish much; need to enforce the policy (Professor Malone)
- an effective attention getting tactic is to require recalcitrant faculty to pick up their paychecks at an administrator's office (Professor Baumer)
- know a hospital administrator who suspends privileges of physicians who are late with paper work (Professor El Solh)
- increasing the period between when grades are due and when they are entered could make it easier for departments to get grades in on time for central processing (Professor Sridhar)
- would then have to decrease the grading time (Provost Capaldi)
- tightening grading time could result in faculty constructing tests which are easy to grade but are less of a learning tool (Dr. Durand)
- for Spring semester faculty have at minimum a week in which to mark exams (Professor Baumer)
- the now abolished December curtailment cut into the grading period for the Fall semester which probably did result in some late grades (Professor Schack)
- include Summer semester grades in consideration of the late grade problem (Professor Malone)

4. the Conference on Methods of Inquiry sponsored by the Teaching and Learning Committee was very successful; topics included dynamics for success and active strategies for learning

Item 3: Report of the President/Provost The President spoke off the record.

Item 4: Security issues for access to e-mail The Chair set the context for a discussion of UB's policies on the right of privacy when using University owned computers for e-mail and to access the internet. He referred to a SUNY Faculty Senate document which urges local campus governance organizations to adopt a "no monitoring" policy as to computer use. He noted that Cornell has such a policy <<http://www.univco.cornell.edu/policy/RU.html>>.

Senior Associate Vice President Rittner chairs the Security, Confidentiality and Privacy Subgroup of the IT Coordination Committee. Within the Subgroup is a working group that focuses on confidentiality and privacy issues; besides the Senior Associate Vice President himself its members include Harvey Axlerod, UB's Computer Discipline Officer, Inspector Daniel Jay of the University Police, and Steven Sturman, an Instructional Design Specialist for the School of Social Work and lecturer in the Law School on issues of electronic privacy. The working group has been researching laws and policies on e-mail privacy; it will begin drafting a document, to be incorporated into a web site, giving ground, detailing UB's policies, and making recommendations on areas that are still fuzzy. The document will be reviewed by the IT Coordination Committee and the IT Steering Committee; the Faculty Senate will also have the opportunity to review the document before it is adopted.

UB recognizes the applicability to e-mail of the Fourth Amendment, federal and New York laws on eavesdropping, wire tapping and computer crimes, and SUNY's computer use policy. UB says that e-mail, sent or received on university owned computers, may not be monitored or reviewed for content except in compliance with a subpoena or search warrant. The working group is divided on whether a request under the Freedom of Information Act (FOIA) can include e-mail. If so, a FOIA request will be treated like a subpoena or search warrant. E-mail for the period in question is reviewed by a disinterested third party, and only the e-mail which satisfies the subpoena or search warrant is disclosed. Most cases have involved

students, not faculty or staff.

In addition to the privacy issues there is also a cost issue with monitoring e-mail. UB would have to double its e-mail capacity to be able to monitor the 500K e-mail transactions which CIT handles daily while continuing to provide timely e-mail service. Furthermore, as an Internet Service Provider (ISP), UB is subject to privacy requirements that a non-ISP employer is not.

UB has publicly stated that it will not load the F.B.I.'s Carnivore Program. If asked to do so, UB will inform the university community.

There is one additional circumstance under which faculty and staff e-mail can be read for content, i.e. for exigent business necessity. For example, if a faculty member involved in admissions became incapacitated, her e-mail could be read to carry out the business of the University. Well-defined procedures for doing this need to be developed.

At times, a supervisor will ask that IT staff monitor an employee's computer use because the supervisor suspects the employee is not engaged in University work. IT staff have asked the Office of the Chief Information Officer to establish a policy protecting them from such requests.

There were comments and questions:

- do the nodes abide by the same privacy policies as CIT? (Professor Nickerson)
- IT culture strongly supports the right of user privacy; only an aberrant IT professional would look at other people's e-mail, but it could happen; adopting a privacy policy would facilitate disciplining such behavior (Senior Associate Vice President Rittner)
- you seem to be saying that it's OK to monitor when a user is breaking the law, but how do you know that the user is breaking a law? (Professor Malone)
- OK to monitor only with the proper legal instrument in hand (Senior Associate Vice President Rittner)
- because New York is paying for my internet use, what right does the state have to know what sites I visit? (Professor Malone)
- law and precedent are not yet clear on whether there is a right to privacy in using the internet; UB's policy does not limit computer use to University business (Senior Associate Vice President Rittner)

- what is the policy for dealing with e-mail viruses? (Professor El Sohl)
- central e-mail is not monitored for e-mail viruses because of the work load; some nodes may choose to monitor their e-mail for characteristics of known viruses; otherwise CIT relies on individual users to install virus checkers and keep them up to date (Senior Associate Vice President Rittner)
- when an e-mail message is downloaded, is a copy of the message kept by the central server? (Professor Easley)
- depends on how the downloading computer is set up; in any event, the message will be available on a up tape during the tape's retention period (Senior Associate Vice President Rittner)
- many federal agencies aggressively delete e-mail to minimize their exposure to FOIA requests, e.g., the Center for Disease Control deletes e-mail after three days (Professor Easley)
- the sender of e-mail relinquishes his control over a message to the recipient who may put it in the public domain absent a prior agreement otherwise (Senior Associate Vice President Rittner)
- in that regard e-mail is no different than mail; shouldn't delete all e-mail, but should promptly purge all messages that are marked for deletion to minimize UB's ability to respond to a subpoena or search warrant (Professor Schack)
- would be cumbersome to isolate and purge deleted messages; up tapes are made and retained only for data recovery purposes, either for the institution or for an individual who inadvertently deletes needed data; the retention period is not long (Senior Vice President Rittner)
- never put anything in e-mail without assuming it could appear in the newspaper the next day; a privacy policy will not stop violators but it will allow them to be prosecuted (Professor Pruet)
- state law and SUNY regulations govern the use of state resources and we may be compelled to monitor computer use in order to enforce them; by analogy, phone use is not monitored, but a record of all calls is kept, and that record would probably be made available to a supervisor who suspects an employee of harassing another employee (Professor Baumer)
- agree with Professor Baumer that we should monitor for dangerous computer uses (Professor Sridhar)

- we will use all resources available to us to comply with appropriate, legal instruments, but we do not monitor for the purpose of ourselves discovering illegal computer use; evidence gathered by monitoring without a subpoena or search warrant would be illegally obtained and could open the University up to a law suit; the federal government and courts have taken a strong stance on the right of privacy in communications, and UB should not take a lesser stance (Senior Vice President Rittner)

Item 5: Report of SUNY Senate meeting Professor Adams-Volpe attended the 12th Plenary Meeting of the SUNY Faculty Senate in Morrisville and reported that:

1. under the leadership of President Cross the SUNY College of Agriculture and Technology is developing an impressive technology infrastructure
2. the Senate overwhelmingly voted to become a member of the New York State Higher Education Conference Board whose mission is “to advocate for public higher education in New York State”; there was concern that the Conference Board is composed predominantly of unions
3. the Provost’s Advisory Council on General Education (PACGE) has been examining individual courses to determine if they meet the Board of Trustee’s General Education Requirements; the Senate approved a resolution asking the Chancellor to review the charge to and the work of the PACGE to ensure that “the traditional rights of the faculty and the campuses to determine academic courses and programs are reaffirmed and that the SUNY commitment to producing campus-based general education programs worthy of national emulation is sustained”
4. there was great concern about the present problems with the transferability of General Education courses between the community colleges and the baccalaureate colleges
5. the Senate unanimously approved a resolution calling for campus participation and comment in each campus’s Memorandum of Understanding agreement process
6. Chancellor King highlighted increased SUNY enrollments, increased business awareness of SUNY’s role in providing a skilled work force, efforts to increase SUNY’s research funding; the development of marketing programs for SUNY and the critical importance of transferability of General Education credits; he said that SUNY-wide assessment will occur only if broad consensus about objectives is reached; he praised the Campaign for UB
7. Vice Chancellor Miller impressed the Senators with his candor and no nonsense approach

There being no old/new business, the meeting adjourned at 4:00 PM.

Respectfully submitted,

Marilyn McMann Kramer

Secretary of Faculty Senate

Present:

Chair: P. Nickerson

Secretary: M. Kramer

Parliamentarian: D. Malone

Arts & Sciences: W. Baumer, J. Meacham, S. Schack

Dental Medicine: M. Easley

Engineering & Applied Sciences: R. Sridhar

Graduate School of Education: L. Malave

Health Related Professions: G. Farkas

School of Information Studies: J. Ellison

Law: L. Swartz

Management: J. Boot

Medicine & Biomedical Sciences: B. Noble, C. Pruet, A. El Sohl,
S. Spurgeon

SUNY Senators: J. Adams-Volpe, J. Boot, H. Durand, P. Nickerson

University Libraries: A. Booth

University Officers: W. Greiner, President

E. Capaldi, Provost **Guests:** L. Peterson,

Chair, Computer Services Committee

P. Rittner, Senior Associate Vice President

B. Pitman, Vice Provost for Educational Technology

J. Lewandowski, *Reporter*

M. Monyo, Student Association

S. Paulson, *The Spectrum*

K. Purdy, *The Spectrum* **Excused:** **Architecture:** R. Shibley

Arts & Sciences: C. Smith **Absent:** **Nursing:** E. Perese

Pharmacy: R. Madejski