Report on the proposed policy on APPROPRIATE USE OF ELECTRONIC RESOURCES

This policy establishes *"essential guidelines, protocols, and standards of behavior for the use of Electronic Resources at Northwestern."* The policy *"applies to all (i) computing and networking equipment; (ii) software owned, leased, operated, or contracted by Northwestern or for use for Northwestern business; and (iii) other devices where University Information is present, regardless of ownership."* The stated purpose of the policy is to identify *"the circumstances under which University Information may be accessed or disclosed and states the University's expectations regarding the appropriate use of Electronic Resources."*

The committee's **overriding concern** is that the proposed NU policy, as written, is overly broad and vague. The emphasis appears to be on protecting the University, with insufficient regard for privacy rights of users. For example, section 1.3.3. states that "there is a well-defined and documented University mission-related need for information." It is not established that any and all types of information that may be stored or communicated using University computing and IT resources are relevant to the mission of the University. Some clarification is needed about the kinds of information that the University needs to fulfill its mission.

Scope: The policy fails to recognize circumstances in which a faculty member or other person may receive confidential information from a source outside NU, under the condition that confidentiality be maintained. Examples include funding proposals from federal agencies, drafts of publications and patent applications, and materials related to promotion and tenure. The policy must protect the confidentiality of such information that a member of the NU community transmits, receives and/or stores in the course of their work at NU, using NU computing and IT resources.

Terminology: The policy governs the use of all "electronic resources", which are defined as electronic devices including computers, servers, networks, mobile computing devices, smartphones, and storage devices. Elsewhere in the University community, the term "electronic resources" is used to refer to digital library holdings. The focus of the policy on devices and IT infrastructure should be clarified.

Recommendation: The committee finds a good example of a privacy policy in the AAUP report on Academic Freedom and Electronic Communications < https://aaup.org/report/academic-freedom-and-electronic-communications-2014>. Section IX of this policy recognizes the central role of electronic communication for scholarly activities:

> *Efforts to protect privacy in electronic communications are an important instrument for ensuring professional autonomy and breathing space for freedom in the classroom and for the freedom to inquire. Although privacy is framed as an individual right, group or associational privacy is also important to academic freedom and to ensuring a culture of trust at an institution.*

The recommendations in the AAUP policy (Section IX) include individual privacy protection:

> *The policy should clearly state that the university does not examine or disclose the contents of electronic communications and traffic data without the consent of the individual participating in the communication except in rare and clearly defined cases.*

The committee recommends a revision of the NU proposed policy to reflect the privacy criteria outlined in the AAUP report as well as the other issues mentioned above.