UNIVERSITY OF CALIFORNIA **ACADEMIC SENATE**

UNIVERSITY COMMITTEE ON ACADEMIC COMPUTING AND COMMUNICATIONS
Monday, February 6, 2017
UCLA

Members attending in person	David G. Kay (Chair, UCI), Christine L. Borgman (Vice Chair, UCLA), Russell Detwiler (UCI), Michael Shin (UCLA), Maryann Martone (UCSD), Kwai Ng (CCGA Chair, UCSD), Shane White (Academic Council Vice Chair, UCLA)
Members attending remotely	Ken Goldberg (UCB),Matt Davis (UCD), Florin Rusu (UCM), Laura Harris (UCR), Miguel Pampaloni (UCSF), Todd Oakley (UCSB), Brant Robertson (UCSC)
Members absent	Jim Chalfant (Academic Council Chair, UCD), Barbara Knowlton (UCEP Chair, UCLA), Eric Bakovic (UCOLASC Chair, UCSD)
Consultants, guests and staff	Tom Andriola (UC Chief Information Officer), Jim Davis (Vice Provost, UCLA), Kent Wada (IT Policy & Chief Privacy Officer, UCLA) Amy Blum (Campus Counsel, UCLA), Kelly Arruda, Privacy and IT Governance Project Manager, UCLA), Jim Williamson (Director, Campus Educational Technology Systems & Administration, UCLA on behalf of ETLC), Tom Trappler (IT Strategic Sourcing Associate Director), Joanne Miller (Committee Analyst, UCOP) Via phone: David Rusting (UC Chief Information Security Officer)

Meeting Minutes

1. Chair's announcements, agenda review, UCACC Statement of Principles

David G. Kay, UCACC Chair
Christine L. Borgman, UCACC Vice Chair

Meeting minutes from November 7, 2016 were approved with minor amendments.

Adoption of UCACC's Statement of Principles was postponed to the next meeting.

2. UCLA Information Technology Strategic Planning

Christine Borgman, UCACC Vice Chair
UCLA guest presenters:
Jim Davis, Vice Provost - Information Technology & Chief Academic Technology Officer
Kent Wada, Director, Strategic IT Policy & Chief Privacy Officer
Amy Blum, Managing Campus Counsel
Kelly Arruda, Project Manager, Privacy and IT Governance

The UCACC meeting is being held at UCLA as part of an effort to learn about information technology strategic planning from all campuses and to engage UC-wide and campus leadership in the discussions. UCLA's current IT planning structure dates back about twenty years, and has governed effectively with the joint participation of administrators and the Academic Senate. The relationships between faculty and administrators are mutually beneficial. IT planning and policy

decisions are based on concerns of faculty and of administration, increasing the flow of information between parties and building up institutional memory. Campus legal counsel are among the administrators consistently included in conversations about IT planning and policy, which also assures informed decision-making.

UCLA Vice Provost Jim Davis reviewed UCLA's information technology history, evolution, and committee structure dating to 1999. With a planning exercise begun in 2009, UCLA has focused on how to implement technology most effectively rather than on what technology to implement. Using a quadrant approach, the 2009 IT strategic plan divided technology processes into centralized vs. local and infrastructure vs. processes, applications, and data.

VP Davis described the formal structure of the Information Technology Planning Board, the policy-level committee that oversees UCLA's IT priorities, vision, and direction. ITPB members are appointed by the Executive Vice Chancellor and Senate Chair, and the Board is chaired by a Senate member. ITPB meets five to six times per year. The Vice Chair of the Academic Senate serves as an ex-officio member of the Information Technology Planning Board, which assures that each generation of Senate leadership is informed about IT governance. UCLA focused early on issues of privacy and data governance. The Privacy and Data Protection Board was spun off of from the ITPB in 2005 to address the growing concerns with data governance. This Board also has Senate and administration members, is chaired by a Senate member, and meets at least three times per year.

Other IT governance committees at UCLA include the business and expenditure-focused Committee on IT Infrastructure (CITI), composed of vice chancellors and their delegates, and the Common Systems Group (CSG), composed of IT directors from all parts of campus, which meets once a month. The structure provides a formality that enables decisions to "stick" and move forward.

While the joint Senate-Administration IT planning process has been remarkably effective for nearly two decades, recent changes in the IT environment are leading to new approaches. The advantages of standing committees that meet regularly, a few times per year, are deliberative processes, informed decision making, consensus building, and institutional memory. The disadvantages are that processes can be slow and tend to favor generic over highly specialized expertise. In light of the rapid and specialized decision making required for pressing issues such as cyber-attacks and online courses, specialized committees have proliferated in the last several years, at both the campus and systemwide levels. At least half a dozen committees now focus on aspects of online teaching, instructional technology, educational technology, and IT accessibility. While each committee may be effective individually, the overall structure risks duplication of effort, conflicting decisions, and lack of integration with larger IT planning and policy efforts.

No easy answers exist for how to balance the need for rapid action in response to IT crises with thoughtful, deliberative decision making on critical issues that affect the mission of the university. IT issues concern all stakeholders in the UC system, given the integration of technology into teaching, research, healthcare, and public service. The UCACC discussion focused on how to achieve the necessary balance in IT governance to address the missions of the university most effectively.

The UCLA personnel provided examples of successful outcomes that resulted from their IT governance structure. One scenario from 2010 on video streaming demonstrated the effectiveness of

collaborative decision-making between the Senate, administration, and legal counsel. When the university was charged with copyright infringement for video streaming on secure course websites the ITPB convened a special meeting within one week to discuss concerns about the implications of these technologies for instruction. ITPB quickly formulated principles that enabled the chancellor and EVC to take a firm position for the university. Campus counsel affirmed the ITPB principles by invoking the TEACH Act, the Fair Use clause of the Copyright Act, and making a case that the "classroom," as historically defined, had changed. UCLA prevailed in the legal case, setting a public policy precedent for other universities with similar concerns.

Another successful outcome from UCLA's IT committee structure was a joint Senate-Administration Task Force on Academic Freedom that produced a statement on the principles of scholarly research and public records requests. Other campuses followed, and UC Santa Cruz had a successful court case based on these principles.

These are among several examples where IT principles developed by UCLA and by UC systemwide processes have cumulated effectively. Privacy principles, particularly the distinction between information privacy and autonomy privacy, developed by the UCLA Privacy and Data Protection Board, became core to the UC Privacy and Information Security Initiative.[1] In turn, those principles underlie the recent report of the UCLA Data Governance Task Force.[2] UCACC has adopted the recommendations of these reports at prior meetings. Director Wada is in the process of extracting UC's core principles on information technology from the various sets of principles developed to date.

UCLA guests also offered a scenario of IT governance with a less successful outcome. The existence of the Privacy and Data Protection Board provided a forum for a vice chancellor to bring concerns about a UCOP climate survey that was to be distributed systemwide, and for which her office was to be responsible. The Board echoed the VC's concerns about whether sufficient data protection was provided for the sensitive personal information being collected. The committee clarified the basis for these concerns and conveyed them to UCOP. While some mitigation of the data handling at UCLA was possible, the survey was distributed with minimal, if any, changes in procedure.

UCACC members were particularly interested in role of a new UCLA IT committee on cyber risk that had met with a FireEye representative. The campus drew upon the Senate-administration partnership in IT governance to involve faculty in these discussions. As an early adopter of FireEye, UCLA has had discussions for over a year about the available services and plans for rollout.

Cyber risk generally, and FireEye in particular, are of immediate concern to faculty due to concerns about tradeoffs between privacy, surveillance, and security. Although the chief information security officers on the other UC campuses are sharing information, several faculty expressed concerns about a lack of communication from their administration about cyber-security developments at their campus. UCACC continues to discuss FireEye technology and share information about various approaches and processes. However, the committee recognizes that campuses are implementing

[1] UCOP Privacy and Information Security Initiative (2013). Retrieved November 18, 2016, from http://ucop.edu/privacy-initiative/

[2] Data Governance Task Force: Final report and recommendations (2016). Retrieved November 18, 2016, from https://ccle.ucla.edu/course/view/datagov?section=4

FireEye in very different ways. Faculty are encouraged to work directly with their campus administration to obtain more information, and to pursue more joint governance.

The differential involvement of Senate faculty in cyber risk discussions at their campuses is an indication of the varying IT governance processes across campuses. In general discussion of the IT governance issues across UC, faculty and administrators alike raised concerns about the need for more communication and for support from campus leadership. UCLA has had strong support for joint governance of IT matters by several generations of chancellors and provosts. Senate representatives from other campuses were encouraged to reach out to IT administrators and campus leadership to increase partnerships in IT governance. In many cases, IT leaders are in positions isolated from faculty activities, and lack easy mechanisms to teach out to faculty. Joint governance is a two-way street, where multiple stakeholders should be encouraged to reach out to each other in search of common ground.

Action: Vice Chair Borgman will write a memo to Jim Chalfant describing UCACC's discussion, as actions to consider for systemwide implementation.

3. Campus Reports

UC Davis will have a formal FireEye proposal to the Academic Senate, specifically to the Committees on Information Technology and Academic Freedom.

UC Merced does not have a senate committee for privacy or for information technology. UCACC representative Florin Rusu is on an administrative IT committee where he is the one faculty member. The committee is involved in making sure students are getting information about malware and other risks.

UCSB's structure is decentralized. There are committees that span departments with faculty input and an administrative staff person. UCSB is currently discussing outsourcing their email to Google. Other campuses have already gone through this and the privacy and data protection issues that surround it.

UC Riverside has a new CIO who attends the local committee's meetings. The committee is combined with the library committee, and so many issues fall under their purview. The committee is looking at the preservation of scientific information and privacy, especially for undocumented students.

UCLA. The Senate is concerned about the expansion of online courses, their approval process, and their role in the university. Given the multiple committees and offices involved, questions arise about online courses and funding, and lack of inconsistency in policy actions.

UCSC: UC Santa Cruz has a dedicated Academic Senate Committee on Information Technology (CIT) that advises the Chancellor and Division on the acquisition, utilization, security, and impact of computers, information systems, and electronic communications, and related facilities, recommending changes and improvements.

UCSD has a cybersecurity risk committee with faculty involvement. The campus CIO is developing a comprehensive student activity database that includes learning analytics and more.

Force11, an organization founded by UCSD faculty that focuses on advancing scholarly communications through the effective use of information technology, is holding an institute this summer that will have support from UC libraries. UCACC member Maryanne Martone will send information to committee members when available.

Committee members briefly discussed issues around maintaining and managing privacy when traveling abroad. Examples include traveling with IRB-covered information on computers, teaching and student records, and cell phone contacts. UC has released some advice for best practices about handling data when traveling, but more information and examples are needed. This may be a topic for a future UCACC agenda.

As technology plays an increasingly influential role in the university, Senate and administrative relationships in governance are crucial. Senate representation at the local and systemwide levels are more essential than ever. EVCs need to understand the importance of faculty involvement in creating a viable structure. Faculty also have to make their presence known to administrators, and demonstrate commitment. Divisional Senates and standing committees have a responsibility to reach out to the campus privacy or information security officer (or equivalent) and invite them to have conversations with faculty.

4. Online Course Evaluations: Distinction between anonymous and confidential
David G. Kay, UCACC Chair

Student evaluation of instruction has traditionally not included the respondents' identity to encourage frank reporting. When course evaluations were paper-based, anonymity was automatic except when a student's handwriting could be recognized, and that possibility could be eliminated by the transcription of handwritten comments.

With online evaluations, the capability exists to associate the author's name with his or her evaluation. Online evaluation systems do not make this association by default, but they may be designed to preserve true anonymity by making the association entirely impossible or instead to provide confidentiality, with identification normally withheld but preserving the ability (of some official, presumably not the instructor) to determine the author's identity in certain severe situations (such as threats of physical violence).

Academic Council Chair Jim Chalfant asked UCACC to advise on this issue.

In the discussion, nobody advanced the position that true anonymity must be preserved in all cases, nor was there support for open, non-confidential evaluations. Committee members felt it would be valuable to know the practices on each campus, including the circumstances under which confidentiality could be breached.

Also on the subject of online evaluations were these points:

- It was reported that response rates to online evaluations were substantially lower than for in-class, paper-based evaluations.
- Strategies for increasing response rate were raised, including a specific mention in class of evaluations and their importance and the possibility of awarding (extra) credit for completing an evaluation (which some felt was awarding credit for something other than achieving the course

learning outcomes while others felt it was much like awarding participation credit for other activities).
- Identifying respondents to award credit may breach confidentiality in small classes where respondents' identity may be deduced from their responses.
- The evaluation process assumes that each evaluation is completed individually and independently, so multiple mentions of the same issue may indicate a systemic problem. Where students can complete evaluations on line, they can discuss their responses and one person's recollection may show up on many students' responses, magnifying its effect.

Committee members felt that other stakeholders such as UCEP, UCPT, and Offices of Instructional Development would have valuable input to questions about the confidentiality of course evaluations.

Action: Chair Kay will write a memo to Jim Chalfant describing UCACC's discussion.

Proposed Policy on Drones
Committee members agreed that a UC policy for drone operation was a good idea in terms of ensuring safety and avoiding legal liability. The final policy should, to the extent possible, accommodate the faculty's need for flexibility in instruction and research, and should be reevaluated periodically.

Action: Chair Kay will draft a short response from the committee.

5. Follow-up on ETLC Report on Learning Data Privacy Principles and Recommended Practices
Jim Williamson, ETLC member and Director, Campus Educational Technology Systems & Administration, UCLA

Jim Williamson reported that the ETLC Principles have been presented at EDUCAUSE and will be presented at the Futures of Privacy forum in Washington DC. There has been more interest in student data lately, including a front page article in the *New York Times* about data and graduation rates. As mentioned in October, ETLC is seeking UC-wide endorsement for the Principles, which were built on principles that were endorsed by former UC President Yudof in the 2013 Privacy and Information Security Initiative ("UCOP Privacy and Information Security Initiative," 2013). In addition to the Academic Senate, ETLC is reviewing the Principles with UC's procurement and legal experts. Much of the leverage resulting from the document will be with vendors in the procurement process. UC is showing leadership in the field by establishing these principles, which will have more weight in vendor negotiations with the backing of university leadership.

The secondary purpose of the principles is to raise awareness of the academic community's concerns about data privacy and the multiple paths forward. Piazza has been an interesting case because of the ability to deploy the technology without university contracts and potential conflicts with UC privacy policies. The tool is frequently recommended and used by instructors. Students in courses that use Piazza may have little choice but to sign up, thereby releasing personal data about themselves and their course activities to a third party. A goal of ETLC is to set the use of Piazza and other learning technologies into the larger context of IT policy and strategies for the use of instructional technologies.

While the ETLC Principles were viewed favorably, the committee determined that it would be inappropriate to adopt or endorse the document formally, as it did not originate from the Senate and is subject to change by ETLC. UCACC encourages the ETLC to continue to work with Senate committees on learning, instruction, and technology at the campus and systemwide levels. Joint policy making between ETLC and the Senate should lead to effective implementation.

The UCSC Academic Senate submitted a statement supportive of establishing principles and practices surrounding the collection, use, and analysis of learning data. The UCSC statement supported the development of polices from the ETLC principles document, clarifying what circumstances would allow access by or transfer to other entities of learning data, which practices would be required rather than just recommended, and whether policies would apply going forward or would mandate renegotiation of existing agreements. It also recommended that faculty be prohibited from requiring students to use applications that transfer learning data to third-party providers and raised the question of whether UC intended to derive income or other benefit from making student learning data available. These questions may be raised as a topic of further discussion at the next UCACC meeting.

6. Report on CRGC Meeting, November 2016

Matt Bishop, UCD

Professor Bishop gave an update on the November Cyber-Risk Governance Committee meeting, which he attended on behalf of the UCACC Chair and Vice Chair. Discussion included:

- A new international travel portal[3] that includes basic export compliance advice.
- The next round of cybersecurity training and how to increase compliance. The refresher course is shorter than the initial training. Training will become mandatory for students within the next calendar year. The training module is a critical component of obtaining cybersecurity insurance.
- Handling ransomware.
- A new cyber-risk audit team being developed for cyber-security updates.
- CIOs and CISOs priorities, communication with UCOP, and possible disconnect between the cybersecurity training modules and campus realities.
- Recommendations about authentication and handling data offshore.
- An FBI agent joined to talk about universities as cybersecurity targets. Many losses start with a human action.
- Update from the cyber-risk coordination center on recent attacks.
- FireEye deployment status update. UCOP is not involved with campus implementation but is working with groups that will be implementing these suites of software.

7. Consultation with UCOP – Information Technology Services

Tom Andriola, UC Chief Information Officer

- ***Update on Systemwide Electronic Information Security Policy (IS-3) and Approval Schedule***

David Rusting, UC's Chief Information Security Officer called in to talk about the IS-3 policy revision. Changes include a reference to privacy, as requested by UCACC. The timeline is tight due to federal government requirements that will change at the end of 2017. A 45-day "management

[3] UCOP international travel website: http://www.ucop.edu/ethics-compliance-audit-services/compliance/international-compliance/international-travel.html

consultation" limited review – which will include UCACC – will take place soon, while the full systemwide review will occur during the summer. UCACC committee members are asked to help with the systemwide review at their campuses, perhaps by brokering conversations and answering questions from the divisional Academic Senate.

- ***Cyber-security Program Status***

CIO Tom Andriola gave an update on UC's cybersecurity status:

- Campuses are completing risk assessments by end of March if they haven't done one in the past two years. The results will be aggregated to look for patterns to help inform campus protocols.
- There is an updated escalation protocol for ransomware, which should be reported at the first indication.
- There will be a short synopsis of cybersecurity case studies to present at the next CRGC meeting.

Andriola also said that FireEye is still being evaluated by several UC locations. Some campuses are already up and running, while other are in process or in the early planning stages. The systemwide CIO office is providing support and is in touch with campus CIOs and CISOs. FireEye may become mandatory at some point in the future, but the university is trying to accommodate local needs and has not established a timeline. UCOP has established minimum functionalities and a baseline for the data collected, but the implementation is executed locally. Faculty should feel free to contact their campus CIO, CISO or CRE for more information on the local implementation.

- ***UCSF IT Outsourcing***

At UCSF, expenses have been increasing faster than revenues, resulting in huge fiscal pressure. As a response to dramatic cost increases, UCSF is outsourcing 17 percent of its total IT workforce, which is expected to save $30 million over a five-year period. Concerns have been raised about data going offshore. In response, the contract with an outside vendor includes assurances about privacy and security. To alleviate some of the committee's concerns, some UCACC members suggested that UCOP state definitively that the university will not require or pressure other campuses to adopt UCSF's strategy or to participate in an outsourcing contract.

- ***Web Accessibility***

CIO Tom Andriola distributed a handout on IT accessibility. The accessibility of higher education websites and online courses has come under increasing scrutiny by the U.S. Department of Justice, Department of Education, and disability rights organizations. A case brought by the DOJ against UC Berkeley is still pending. In 2017, Risk Services agreed to provide some funding for IT departments to assist with federal accessibility compliance systemwide.

8. Consultation with Academic Senate Leadership
Shane White, Vice Chair, Academic Council

Academic Council Vice Chair White, who participated in the full day's meeting, provided a summary report on UC-wide Senate issues.

- At their January meeting, the Board of Regents approved a 2.5% tuition increase, which was permitted under the compact with the Governor.

- Academic Council Chair Jim Chalfant's remarks to the Regents were about faculty opposition to a cap on non-resident students.
- The Regents have new Health Services committee. The health care campuses comprise a large percentage of the budget and almost 40% of UC's faculty. The Academic Council is also developing its own Health Services committee.
- The State budget proposal is consistent with the previously agreed upon 4% increase. UCRP is also receiving funds.
- This year UC is requesting state funding for 900 additional graduate students.
- A revised Professional Degree Supplemental Tuition policy was recently reviewed.
- Revisions to APM 015 and 016 are being made as a result of the Joint Task Force on Sexual Violence and Sexual Harassment. The changes are mostly to clarify and strengthen the Academic Personnel Manual.
- Campuses are being asked to undergo a "visioning exercise" that projects out to 2040.
- There was record number of freshman applicants to UC for the fall. 171,500 freshman applications were received, compared to 166,300 last year.[4]

Consultation with UCOP – IT Strategic Sourcing
Tom Trappler, Acting Associate Director, IT Strategic Sourcing

- UC-wide IT strategic sourcing initiatives

Acting Associate Director of IT Strategic Sourcing Tom Trappler joined the meeting to initiate a dialog and establish a communication channel with faculty. IT Strategic Sourcing at UCOP creates UC-wide agreements for IT-related services and products based on input from campuses about what products are needed. There is a new IT Sourcing Committee with CIO-designated representatives from each campus that evaluates suggestions and prioritizes the work.

Director Trappler talked about the strategic sourcing office's processes for new agreements, including negotiations for price and functionality. The office uses guidelines, but providers don't always agree to the terms. A two-page fact sheet[5] provides more information. The ETLC Learning Data Principles would also be applicable to strategic sourcing decisions. UCACC members suggested that a document describing the principles and criteria used by the office would be helpful. Members also suggested that a more holistic approach that incorporates interoperability and scholarly workflow would be helpful for more strategic decision-making. One example is the FAIR principles (findable, adaptable, interoperable, reusable), which will be included on the agenda for discussion at the next meeting.

Committee members should feel free to contact Associate Director Trappler directly.

Meeting adjourned: 4:00
Meeting minutes drafted by: Joanne Miller, UCACC Committee Analyst
Attest: David G. Kay, UCACC Chair

[4] UC's freshman applications. Accessed March 16, 2017, from: https://www.universityofcalifornia.edu/press-room/california-freshman-applications-uc-continue-record-breaking-climb
[5] Strategic Sourcing Fact Sheet. Accessed March 16, 2017, from: http://www.ucop.edu/procurement-services/_files/ssfacts.pdf