Rutgers University Senate Instruction, Curricula, and Advising Committee

Charge A-1711 - Review Rutgers' Draft *Acceptable Use Policy* for Information Technology Resources: Review the draft information technology policies, and respond with comments. Respond to Senate Executive Committee by October 24, 2017.

On August 22, 2016, the University made a number of revisions to the *Acceptable Use Policy* for Information Technology Resources (University Policy Library Section 70.1.1). The major addition to the existing policy was section 5.B.6 which stated:

> University business must be conducted using the Official University email, and calendar service, Rutgers Connect, including other O365 comprised services.

The Senate Instruction, Curricula, and Advising Committee [ICA] was charged to review the new policy and to also consider the Privacy section (5.C) of the *Acceptable Use Policy*. ICA's report<http://senate.rutgers.edu/ICAConS1614AcceptableUsePolicyForInformationTechnologyJanuary2017AsAdopted.pdf> was approved by the University Senate in January 2017. The report recommended that:

1. A separate email policy document—distinct from the Acceptable Use Policy—be developed for the University.
2. The Acceptable Use Policy, and any new email policy, not specify any particular product to be used.
3. If there is an expectation that all "university business" communications are to be conducted using a university-provided email system(s), what exactly constitutes "university business" needs to be defined and communicated. (See http://spg.umich.edu/policy/601.11 (VI.D) for a definition of university business records.)
4. Rutgers develop specific email guidelines for health-related communications.
5. Rutgers develop specific email guidelines for other confidential communications, including any communications involving or concerning students.
6. The option to automatically forward all Rutgers Connect email to an external email system be disabled.
7. While it may be useful for some units or departments to mandate the use of a specific calendar service for their members, there be no requirement for the use of one specific calendar system university-wide.
8. Until the "Other O365 Comprised Services" are actually available and there is clearer information as to their use, mention of those be removed from any policy.
9. A separate policy relating to privacy and access to records, based on the University of Michigan model whereby there are clear definitions of different types of records and the access to those records as well as what constitutes legitimate business need to access those records, be developed to replace Section 5C of the Acceptable Use Policy.
10. Whenever electronic records are accessed, there shall be a record of the individual accessing the record, and the time the record is accessed.

As a result of the Senate recommendations, the University rescinded the August 22nd revision of the *Acceptable Use Policy*. The Office of Information Technology has now drafted a revised *Acceptable Use Policy* (70.1.1), along with a new *Email and Calendar Policy* (70.1.6); a new *Information Technology Privacy* policy (70.1.7); and new *Rutgers NetID and Email Account Provisioning/Deprovisioning Policy and Procedures* (70.1.8). The combined policies address

most of the issues identified in the January 2017 ICA report, and are in accord with most, if not all, of the recommendations of that report.

While ICA finds the new policies on the whole to be much improved over the original policy, we do have recommendations that we feel will add clarity and utility to these policies. Many of the recommendations just have to do with wording; the most substantive recommendations are in section B, which reviews 70.1.6, the Email and Calendar Policy.

A. Policy Library Section 70.1.1. Acceptable Use Policy for Information Technology Resources < http://senate.rutgers.edu/AcceptableUsePolicy.pdf>

As per the draft policy statement:

> This policy outlines the acceptable use of University information and technology resources, which include, but are not limited to, equipment, software, networks, data, and stationary and mobile communication devices used to access Rutgers information and technology resources, whether the technology or devices are personally owned or owned, leased, or otherwise provided by Rutgers University.

With the earlier removal of Section 5.B.6, the major change in this policy is the removal of the section on Privacy which now, as recommended by the Senate, is a separate policy (70.1.7). While most of the language in the revised policy is not new, we did feel that some sections could be edited to better reflect intent and some required clarification.

5. The Policy/User Responsibilities/a) Each user may use only those information technology resources for which he or she has authorization. Violations include but are not limited to:
- Using resources without specific authorization

    Recommendation: The word "specific" would seem to imply that each resource would require a separate authorization. We suggest that it be removed.

5. The Policy/User Responsibilities/b) Information technology resources must be used only for their intended purpose(s). Violations include but are not limited to:
- Misusing software to hide personal identity, or to interfere with other systems or users

    Recommendation: Change "misusing software" to "using software."

- Sending mass emails to the Rutgers community without following proper procedures.

    Recommendation: Clarify what the proper procedures might be, or how to find them. If the "mass emails" referred to here are broadcast emails, the Rutgers Office of Information Technology (OIT) has **Guidelines for Use of Email for Official Purposes** <https://oit.rutgers.edu/official-email> which offers guidelines for sending bulk emails internally and to the outside community; Rutgers Newark also has a guide to broadcast email policies and procedures: https://www.newark.rutgers.edu/broadcast-email. It may be helpful to link to these.

- Using University computing or network resources for advertising or other commercial purposes.

  Recommendation: What may legally be deemed "commercial" is not intuitive. Link out to the OIT Guidelines above (https://oit.rutgers.edu/official-email) where this issue is discussed.

- Circumventing, disabling or attempting to circumvent or disable security mechanisms.

  Recommendation: Add "without authorization."

5. The Policy/User Responsibilities/c) The access to and integrity of information technology resources must be protected. Violations include but are not limited to:

- Using third part, cloud and non-cloud, systems not authorized or approved by OIT's Information Protection & Security (IPS) Division to transmit, process, or store Rutgers data classified as restricted, including protected heath information ("PHI", including that stored electronically ("ePHI"))

  Recommendation: If there is a list of these authorized/approved systems there should be a link to it.

5. The Policy/User Responsibilities/d) Applicable state and federal laws must be followed. Violations include but are not limited to:/Policies:

- Accessing, storing or transmitting data/information classified as Restricted (e.g., social security numbers, patient health information, driver's license numbers, credit card numbers) without a valid business or academic reason or transmitting such information without using appropriate security protocols (e.g., encryption)
- Distributing data/information classified as Restricted, unless acting as an authorized University source and an authorized University distributor of that data/information and the recipient is authorized to receive that data/information
- Using social media to communicate or store University data/information classified as Restricted.

  Recommendation: All sections of this policy refer to "data/information classified as Restricted;" and should link out to the RUSecure site that has an expanded list of Restricted data and what is covered under Restricted data: https://rusecure.rutgers.edu/data-classification

6. The Policy/Violations

  Violations of this policy will be considered misconduct on the part of the member and will be subject to all relevant institutional sanctions up to and including termination of appointment.

Recommendation: Change "will be considered" and "will be subject" to "may be considered" and "may be subject."

B. **Policy Library Section 70.1.6: Email and Calendar Policy**
<http://senate.rutgers.edu/EmailPolicy.pdf>

The first six Senate recommendations on the Acceptable Use Policy dealt with email. [See p. 1 above]. As recommended, the email policy is now a separate document and does not specify any specific product to be used. As also recommended, "university business" has now been defined:

> University Business – is work performed as part of an employee's job responsibilities, daily work and duties performed on behalf of the University by faculty, staff, student workers, guests and other persons whose conduct, in the performance of work for the University, is under the direct control of the University, whether or not they are paid by the University. This includes any email, calendar events, files or other electronic business data, created, stored, processed and transmitted that is related to work performed for Rutgers.

As per the draft policy statement:

> This policy outlines the standards for using the Email and Calendar services provided for Rutgers faculty, staff, guests and students. All email and calendaring used to conduct University Business at Rutgers must be created, stored, processed and transmitted via the approved University email and calendar system, as defined in the Email and Calendaring System Guidelines.

> The University recognizes and has established the use of email as an official means of communications and notifications. This also allows the University to meet legal and compliance requirements (e.g. HIPAA, OPRA, FERPA, GLBA). Therefore, both the community as a whole and each individual user has an obligation to abide by this policy and its corresponding guidelines.

Except for some welcome definitions of terms, the above statement is the sum total of the draft policy. It would seem then that the "standards" that the policy is "outlining" would be that "All email and calendaring used to conduct University Business at Rutgers must be created, stored, processed and transmitted via the approved University email and calendar system, as defined in the Email and Calendaring System Guidelines." Since we have not seen, or been able to locate, any such guidelines, we are unable to comment on them.

Recommendation: "Email and Calendaring System Guidelines" should either be linked to, or incorporated into, 70.1.6

Both the policy statement and the definition of "University Business," mention "guests." If these "guests" are functioning "under the direct control of the University" it would seem that they are more than what would normally be understood as a guest.

Recommendation: If "University Guest" is an official status, it should be included in the definitions section.

While the policy is intended to relate to "Rutgers faculty, staff, guests and students," students, except for "student workers," do not seem to be covered by the definition of "University Business." Therefore it is not clear if this policy applies to students in general. While we believe students should be encouraged to use their scarletmail accounts, we recognize that many— perhaps most—do not use those as their default accounts. And while scarletmail may be the "official" student mail system, RHBS students are told that scarletmail is to be used only for personal business and are required to use an email assigned by their schools for their Rutgers communications.[1]

Recommendation: Clarify how this policy applies to students, other than student workers.

The Senate also recommended that Rutgers develop specific email guidelines for health-related communications, as is the case in many institutions with health-related programs. Some institutions have separate policies for their health-related units (for example, see University of Minnesota < https://policy.umn.edu/operations/phi-appa> and Stanford <https://uit.stanford.edu/security/hipaa/email-policy>), while others have a separate section within the broader policy (for example, see sections D and E of the Columbia policy: http://policylibrary.columbia.edu/files/policylib/imce_shared/Email_Usage_Policy_0.pdf.

In her meeting with the Senate Executive Committee, Michele Norin, Senior Vice President and Chief Information Officer, indicated that due to the complexity of health-related communication guidelines, that section of the email policy will just link out to those guidelines. However there is no such link included.

RBHS does have a system in place whereby email messages containing PHI, or otherwise sensitive or restricted data can be encrypted. The system uses content scanning to identify PII/PHI (e.g. Social Security Number, Patient Record ID, etc.) and then automatically encrypts the email message. Messages can also be manually encrypted. Procedures for this are online (https://rusecure.rutgers.edu/content/secure-email-messaging) and require NetID login for access. But these are procedures rather than policies; the "Policies" link on this site actually links to section 70 of the University Policy Library. There is a specific RBHS Mobile Devise Management Policy available: https://oit.rutgers.edu/connect/using/mdm-policy-rbhs.

Recommendation: Link to or develop policies relating to health-related email or other electronic communications.

The Senate also recommended that Rutgers develop specific email guidelines for other confidential communications, including any communications involving or concerning students. There is nothing in the new policy that directly addresses this.

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[1] https://techguides.rutgers.edu/student/rbhs

Recommendation: Add specific email guidelines for confidential communications, especially communications involving or concerning students.

In their report, the Senate recommended that "there be no requirement for the use of one specific calendar system university-wide." This is the one recommendation that was not accepted. We still do not see the need for a mandated "official" calendar, although we acknowledge that the official calendar is likely to be more secure than other calendaring systems. On the other hand, there is no requirement that everyone must use an electronic calendaring system; many may elect to maintain paper schedules, or to be passive users and accept/decline calendar invitations but not initiate and calendar events.

The policy states that "All email and calendaring used to conduct University Business at Rutgers **must** be created, stored, processed and transmitted via the approved University email and calendar system." Unless there are identified consequences for not doing so, "should be created, stored…" is probably more realistic than "must be created, stored…."

C. Policy Library Section 70.1.7: Information Technology Privacy
<**http://senate.rutgers.edu/ITPrivacyPolicy.pdf**>

Policy:
> This policy governs those circumstances in which the University, when not governed by external law, will monitor or access records and record systems.

The Senate report on the Acceptable Use Policy, recommended that:

> A separate policy relating to privacy and access to records, based on the University of Michigan model whereby there are clear definitions of different types of records and the access to those record as well as what constitutes legitimate business need to access those records, be developed to replace Section 5C of the *Acceptable Use Policy*.

This new section does indeed rely heavily on the University of Michigan model (http://spg.umich.edu/policy/601.11) and is a vast improvement over Section 5C. We have only two wording changes that we would recommend:

The last sentence under **6.Policy** currently reads:

> Accordingly, Rutgers cannot guarantee the privacy of any records, including the personal records, of any University employee.

> **Recommendation:** Change to read "As there may be occasions when the University might be legally compelled to disclose certain records, Rutgers cannot guarantee the privacy of any records, including the personal records, of any University employee."

8. Violations currently reads:

Violations of this policy will be considered misconduct on the part of the employee and will be subject to all relevant institutional sanctions up to and including termination of appointment.

Recommendation: Change to read: "Violations of this policy may be considered misconduct on the part of the employee and may be subject to all relevant institutional sanctions up to and including termination of employment."

D. Policy Library Section 70.1.8: Rutgers NetID and Email Account Provisioning/Deprovisioning Policy and Procedures
<**http://senate.rutgers.edu/DeprovisioningPolicy.pdf**>

This policy deals with the activation of NetIDs—and the subsequent access to University email and other resources—and the inactivation of those NetIDs, and the subsequent loss of access to Connect accounts.

In the lists of Definitions, "Affiliates" are defined as:

- Affiliate – faculty, staff, student, alumni, retiree, foundation staff, RBHS house staff, contractors, vendors and guests.

   Recommendation: If "University Guest" is an official status, it should be included in the definitions section.

Under **6. Procedures. Deprovisioning** (p.3) it states that:

- Faculty and Staff who retire from the university are eligible to maintain a Rutgers email account, however this will not be the Connect account previously utilized for University Business. A new email account for [the] retiree will be provisioned on Scarletmail.

When Michele Norin met with the Executive Committee, it was pointed out that faculty who retire from the University often continue to be active members of their academic communities and that having to switch to a new email could be quite disruptive to their professional lives. There should be some way—perhaps by setting up their original Connect address as an alias— that retired faculty could be moved off of Connect but still retain the email address.

Recommendation: Investigate procedures by which retired faculty could retain their Connect email addresses.

Resolution:

Whereas, the Senate Instruction, Curricula and Advising Committee has reviewed the proposed draft policies relating to Information Technology Resources

And Whereas, ICA has made a series of recommendations relating to the content and wording of these policies

Therefore, be it resolved that the Rutgers University Senate endorses the Report and its recommendations.

2017-18 Instruction, Curricula, and Advising Committee

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