

Resolution 2023-3. On Endorsing Principles for Work-Related Data.

The Faculty Council endorses the statement of “Four Principles for Work-Related Data,” as adopted by the Faculty Information Technology Advisory Committee and presented to the Council at its March 2023 meeting.

Submitted by the Faculty Information Technology Advisory Committee.

Full text of the statement:

Four Principles for Work-Related Data

As faculty conduct work using University-approved technologies, an increasing amount of data are created. Unlike data linked with organized research projects or student records that have unique protocols in place, these data result from faculty day-to-day activities and are less directly linked to concrete policies. These data fall broadly into two categories: 1) content (e.g., video artifacts from meetings, syllabi, assignments) posted and stored on University systems and 2) information (e.g., e-mail timestamps, time spent on tasks, frequency of participation) created in the performance of duties and resulting in metadata related to digital activities. In some instances, existing guidelines can be applied to these data. For example, similar to e-mail, communications using Microsoft Teams may be subject to public records requests. In other instances, expectations and protocols about ownership, archiving, and access (to name three key concerns) should be clarified and codified, as there can be confusion regarding when and how data are collected and how they might be used by entities at or outside the University. Furthermore, there is a strong need to inform and educate various campus constituencies; for instance, many faculty may not be aware of data-related concerns or policies for using platforms like Microsoft Teams or Zoom. We also support efforts by the Employee Forum and by students to articulate principles of appropriate data use. As the University clarifies and codifies policies and procedures for managing and using faculty work-related data, it should adhere to the following principles:

1. **Transparency:** Explain what data are and are not collected. For the data that are collected, explain how they may be used. Notify faculty when significant changes are made to data practices that could be used to assess performance. Clarify whether data are stored on University systems or third-party systems, the expectations for how long most kinds of data are stored, and information about who has access to data and in what circumstances. Confirm and communicate procedures for decision making regarding data

collection and sharing. Establish and communicate a clear chain of decision making regarding use of these data.

2. **Prohibit Surveillance:** Ensure that data requests can only be made based upon accepted grounds with a documented rationale (e.g., for public records, public safety, network protection, or authorized legal matters). Confirm and communicate policies limiting the use of data for job performance decisions. Confirm that faculty retain intellectual freedom in public digital spaces, that any monitoring of social media is conducted to support public safety, and that monitoring will not be used to target specific groups or individuals or for political purposes. When requests for data are made and/or social media monitoring is conducted, individuals involved should be notified when legally permissible.
3. **Privacy and Data Ownership:** Highlight the rights that faculty have over their own data. Make clear when data are “owned” by the University and when they are the intellectual property of faculty. Make public any instances of sale or sharing of data by the University. Educate faculty on individual rights and appropriate processes related to the sale or use by others of their data. Confirm that data related to instructional materials (e.g., syllabi and assignments) constitute faculty intellectual property. Clarify faculty intellectual property rights for various categories of research (sponsored, individual, collaborative). Ensure that contracted third parties have no or appropriately limited access to faculty data and that contracts delineating third party uses of faculty data are available for review upon request.
4. **Promote Education:** Create easy access to documentation and policies for faculty data. Charge campus entities (e.g., Information Technology Services, The Office of University Counsel, University Archives, The Office of Ethics and Policy) with educating campus constituencies about data concerns and rights. Develop programs for providing and updating training related to data for units and faculty.