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CSA 543: Legal and Ethical Issues in College Student Affairs

November 5, 2004

Computers and the Campus. Evaluate the computer use policy of your campus or that of another institution. How does the policy attempt to balance access to information, privacy rights, and community standards? Were student developmental issues considered in the formulation of the policy? How do the elements of the policy compare with those presented in class? What are the strengths of your policy? What changes would you recommend in your policy?

How does the policy attempt to balance access to information, privacy rights, and community standards?

Access to information:

In attempting to balance access to information, Azusa Pacific University's (APU) computer use policy sets forth several guidelines that students, staff, and faculty are expected to abide by.

The expectations include solely logging into the computer system as oneself and respecting copyright laws. People accessing APU's system are also asked to use the computers for scholarly study and research, as a means of communicating with other personnel at APU, researching for class projects, and administering and applying for grants. The policy states clearly that at no time any computers should be used in any ways that are against school standards discussed in the current student handbook.

The computer use policy attempts to balance access to information by giving students, staff, and faculty guidelines within which they should operate when using the school's system. The policy allows for access to information as long as the information does not go against school policy. Most information is accessible by students, faculty, and staff as long as it is not illegal, threatening, obscene, harassment, or soliciting advertisements in its nature. Students, staff, and faculty are also required to not use APU's computer system as a tool in operating a personal businesses acquiring money. It

is also not acceptable for faculty and staff to use the computers to play games during work hours. On a whole, APU balances access to information by monitoring the usage of their computers; the biggest way APU controls information is in requiring students, staff, and faculty to abide by policies set forth in the student standards of conduct found online at <http://www.apu.edu/studentlifeoffice/policies/>.

Privacy Rights:

When considering privacy rights in the computer use policy at APU, it is clear that the university's desire is to give people freedom while at the same time not allowing materials or actions that violate school policy. This is clearly noted in the computer use policy in the following statement: "Every attempt to protect privacy will be maintained, but observation of traffic flow and content may be necessary at the University's discretion for security and legal reasons" (http://www.apu.edu/imt/acceptable_use_policy.php).

Though APU wants to give people privacy in how they use the computers, the university will take liberty in monitoring websites that are visited as well as other content that may be found on computers. The statement on privacy issues in APU's computer use policy is not very descriptive in nature. It seems to be left a little vague, possibly to give APU's officials the right to view how computers are being maintained and operated. If a person is found to be in violation of school policies and standards because of their computer usage, he or she will face disciplinary procedures that are outlined in the student standards of conduct.

Community Standards:

The computer use policy mentions that students will be held to community standards in

terms of their computer usage. All computer use from APU servers or from APU's campus needs to be in compliance with the university's mission. These standards are not mentioned in detail, but, as noted in the above section, it is clear that computer users will be held responsible for their actions if their computer use violates school policy. The computer use policy does not go into detail regarding community expectations on behavior; rather, it is expected that students will read and understand what APU expects of them while they attend the university. The computer use policy could benefit from being more definitive in nature regarding what is expected of faculty, staff, and students using APU computers. Though people are expected to read and understand school policies, people may not fully comprehend that school policy extends into the realm of computer use.

Were student developmental issues considered in the formulation of the policy?

On the whole, APU's computer use policy does not intentionally seem to consider student developmental issues. Although the development of students comes through in the policy, it is based on APU's mission and expectations set forth in the student standards of conduct. Those only reading the computer use policy, and not the university's mission or student standards of conduct, would have no comprehension of whether or not student developmental issues were considered. The computer use policy does not explicitly detail student development, especially in conjunction with the use of computers.

How do the elements of the policy compare with those presented in class?

Though not talked about in detail during class, several articles discuss information pertaining to computer use policies at colleges and universities. The first article presents information about peer to peer (P2P) file sharing of copyrighted works on university networks (Remington, Drinker, Biddle, & Reath, 2003). Copyright law protects the rights of the holders, including the reproduction or distribution of their works (Remington, et. al, 2003). This article notes three types of infringement of copyright laws: direct infringement, contributory infringement, and vicarious infringement. P2P file sharing generally falls under the category of direct infringement. There are instances of “fair use” including criticism, comment, news reporting, teaching, scholarship, and research in which documents may be used. But, many times, P2P file sharing is not done for those purposes and is therefore a violation of copyright laws (Remington, et. al, 2003). APU’s computer use policy contains elements of these laws. For instance, the policy states that users must, “Respect the privacy of others. For example, users shall not intentionally seek information on, obtain copies of, or modify files belonging to other users” (http://www.apu.edu/imt/acceptable_use_policy.php). The policy also notes that users need to “Respect the legal protection provided by copyright and licenses to programs and data” (http://www.apu.edu/imt/acceptable_use_policy.php). APU’s computer use policy has protections in it allowing them to hold people accountable for unacceptable P2P file sharing and copyright infringements. Though, it would be helpful for users if the computer policy explained in more detail what these policies entail.

A second article by Salomon, Cassat, and Thibeau (2003) talks about IT security in terms of legal issues including privacy laws and computer theft. The authors discuss privacy laws including the Electronic Communications Privacy Act (ECPA), the

Computer Fraud and Abuse Act (CFAA), and the Family Educational Rights and Privacy Act (FERPA) (Salomon, et. al, 2003). The need to protect student records and information that is found on public servers is increasing at a rapid pace. Institutions may be vulnerable to lawsuits if they violate the privacy rights of those using their network. This article also gives suggestions for universities when developing and working to improve their computer networks. Among the suggestions are keeping human dignity at the center of policies and procedures, respecting academic freedom, making sure that privacy will be preserved and protected, respecting the equity and diversity of goals in higher education, maintaining a fair process, and upholding the ethics and integrity of the institution (Salomon, et. al, 2003). In looking at APU's policy, I think these suggestions are at the core of how the policy was developed, but it is lacking in true explanation of how aspects of the policy are actually interpreted. APU's policy does seek to show the importance of respecting others and the university in all computer use. It would benefit APU to better outline standards of how the university will seek to maintain the privacy of its faculty, staff, and students.

Strengths of APU's policy and changes I would recommend:

The strengths of APU's computer policy lie in its emphasis on respecting and valuing the university's standards and mission through all computer use. It is clear from the policy that APU expects its computer users to know and understand the values of the institution for which they work or attend as a student. It is also clear from the policy that people will be held accountable for any violations of school policy which are discovered.

After reading articles on computer use policy, I would suggest that APU create a more detailed computer use policy identifying specific violations of copyright law. This

would allow faculty, staff, and students to know how they can use others' works as well as what is illegal. I believe laying this out more clearly may help in deterring P2P file sharing in some cases. Another suggestion that I would like to see in APU's policy is for a more expansive definition of how people may be held accountable if they violate this policy. The policy simply states that faculty, staff, and students will be held accountable according to the guidelines set forth in the student standards of conduct. Though people can do research on their own to discover what they may look like, it would be helpful for various sanction ideas to be listed in the policy. One last change that I would like to see in the policy is a definition of how the university will observe the traffic flow of those using the computer network. In order to help with privacy rights, I believe it would be fair for people to know upfront how their computer use will be monitored—is it random? Is every action somehow communicated to the IT office? Etc...

Sources Used for Computer Use Policy:

Azusa Pacific University. "Information and Media Technology-Internet Acceptable Use Policy".

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http://www.apu.edu/imt/acceptable_use_policy.php

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Remington, M. J., Drinker, Biddle, & Reath. (2003). "Background discussion of copyright law

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Salomon, K. D., Cassat, P. C., & Thibeau, B. E. (2003). "IT security for higher education: A

legal perspective". EDUCAUSE.