Navigating Teaching Technology: Law and Policy

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Faculty Senate

Navigating Teaching Technology: Law and Policy

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Navigating Teaching Technology: Law and Policy

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Navigating Teaching Technology: Law and Policy

Cheri Brodeur, Chair

Faculty Senate

* A video of this presentation and a copy of the slides will be available www.teach.ufl.edu and www.senate.ufl.edu

* Agenda:
  * *Teaching: Privacy*, Susan Blair
  * *Teaching: Law and Policy*, Barbara Wingo
  * *Teaching: IT Security Concerns*, Cheryl Granto
  * Questions & Panel Discussion

Please hold all questions until the Q & A session – thank you

* Teaching: Law & Policy

Teaching: Privacy

Susan Blair

Chief Privacy Officer

Privacy & Confidentiality Defined

* Privacy
  * Freedom from intrusion or observation
  * Maintaining control over personal information
  * Not a US Constitutional right – but it is in the Florida Constitution:
    * Article One, Section 23 “Every natural person has the right to be let alone and free from governmental intrusion into the person's private life”; exception: Not to limit the public's right of access to public records and meetings as provided by law.

* Confidentiality
  * Only permitting certain authorized persons to have information, with the understanding that they will not share the information except to other authorized persons

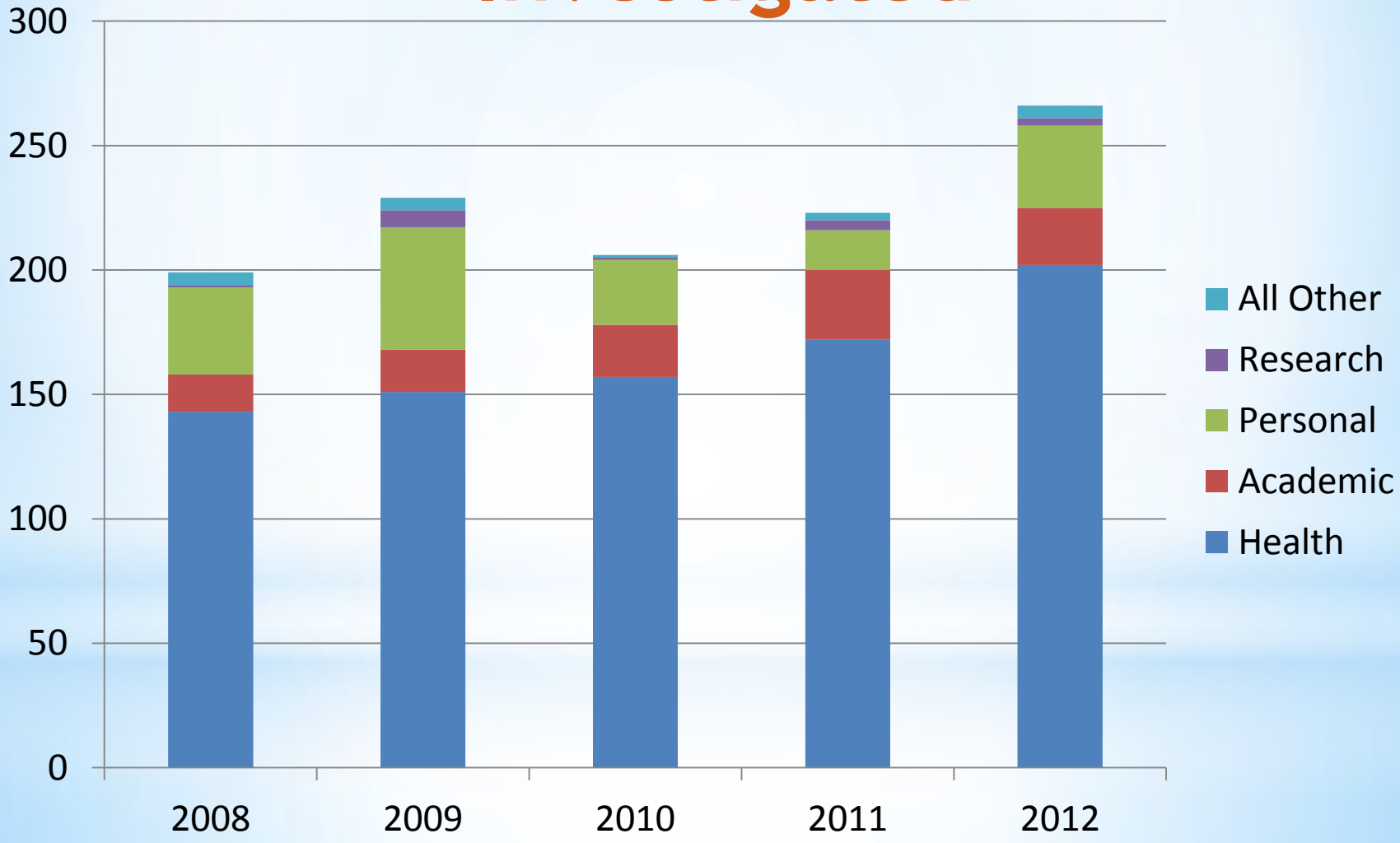
Scope of Privacy Regulations at UF

* Federal Statutes
  * Family Educational Rights and Privacy Act (FERPA)
  * Privacy Act of 1974
  * Patriot Act
  * Graham-Leach-Bliley Act
  * Fair Credit Reporting Act
  * Right to Financial Privacy Act
  * Children's Online Privacy Protection Act (COPPA)
  * Electronic Communications Privacy Act
  * Stored Wire and Electronic Communications Act
  * Cable Communications Policy Act
  * Health laws
    * Health Insurance Portability & Accountability Act (HIPAA) for medical components: Faculty practice plans, HSC Colleges, CLAS, IFAS, Student Health Care Center, Institutional Review Boards, Benefit and Disability Plans, and UF Foundation
    * **Americans with Disabilities Act**
    * Federal Substance Abuse Record Confidentiality Rule

- Florida Statutes

  Chapter 90: Evidence
  Chapter 119: Public Records
  Chapter 381.004: HIV Testing
  Chapter 384: Sexually Transmissible Diseases
  Chapter 385: Chronic Diseases Registry
  Chapter 392: TB Control
  Chapter 393: Developmental Disabilities
  Chapter 394: Mental Health
  Chapter 395: Hospitals
  Chapter 397: Substance Abuse
  Chapter 400: Nursing Homes, Hospices
  Chapter 405: Medical Research
  Chapter 440: Workers' Compensation
  Chapter 456-468: Health Professions
  Chapter 501: Consumer Protection
  Chapter 817: Privacy Breach Notification
  Chapter 1002-1006: Education Records

Total Privacy Incidents Investigated



UF Data Classifications

Restricted

- Data subject to specific protections under law, regulations or contracts.
  - Examples include, but are not limited to, medical records, social security numbers, credit card numbers, Florida drivers licenses, non-directory student records, research protocols and export controlled technical data.

Sensitive

- Data whose disclosure would impair the function of the university, cause significant financial or reputational loss or likely legal liability.
  - Examples include, but are not limited to, research work in progress, animal research protocols, financial information, strategy documents and information used to secure the University's physical or information environment.

Open

- Data made generally available without specific approval.
  - Examples include, but are not limited to, advertisements, job opening announcements, university catalogs, regulations and policies, faculty publication titles and press releases.

Data Type	Classification	Justification
Student records (non-directory)	Restricted	FERPA
Credit card cardholder data	Restricted	PCI, FS 817.5681
Patient medical records (identifiable)	Restricted	HIPAA
Patient billing records	Restricted	HIPAA
Social Security Numbers	Restricted	FS 817.5681
Export Controlled data	Restricted	ITAR
Animal research protocols	Sensitive	Competitive and commercial potential, security concerns
System security plans	Sensitive	Protective information
Unpublished research results	Sensitive	Competitive and commercial potential
Exams (questions and answers)	Sensitive	Exam integrity
Employee data (not including SSN)	Sensitive	Employee privacy
UF Directory (students & staff)	Open	FERPA
University regulations	Open	Intended for public use
Course catalog	Open	Intended for public use
Public web sites	Open	Intended for public use
De-identified patient information	Open	HIPAA

* Examples of Classified Data

Education Record Classification

* Student records and personal identification information (as defined by the Florida law) are classified by the University as restricted information.
  * All restricted information must be used and secured as directed by UF privacy and security policies and procedures.

* University of Florida education records are the property of the University; the way the records are handled is ultimately the responsibility of the University, not of any individual or college.

* University regulations (4.007) allow the President of UF to delegate record custodian duties to the Vice Presidents:
  * (3) “Each Vice President may designate an individual in his or her area as the custodian of records for that area.

Quick Review - FERPA

* The Family Educational Rights and Privacy Act, also known as the "Buckley Amendment" is a federal law that requires student record privacy for non-directory information. The UF regulations establish which education records are non-directory; all education records may be subject to "Privacy Holds." A "privacy hold" means that no information may be released from a student's education record, even directory information.

* Education Records are any information or data, recorded in any medium, directly related to present or past students, and maintained by the institution or its designee.

* FERPA applies to any and all educational institutions receiving funds from the United States Department of Education, from kindergarten through university level. US Department of Education enforces FERPA and may assess penalties up to and including loss of federal funds for education record privacy violations.

*Directory Information at UF

Under FERPA, directory information includes personally identifiable information that is generally considered to be public.

Each institution has the authority to define directory information for its own use, based on FERPA.

The definition must be included in an annual notice to the students.

* The student's name,
* Class, college, and major
* Local and permanent addresses and email address,
* Listed telephone number,
* Enrollment status,
* Most recent previous educational institution attended,
* Dates of attendance at the University of Florida,
* Degree earned,
* Nature and place of employment at the university,
* Honors and awards received,
* Publication titles,
* Participation in officially recognized or registered activities and sports,
* Weight and height of members of athletic teams.
* Missing from this list: UFIDs and photos!!

Faculty Responsibilities

* All teachers and staff are considered school officials and are required by law to maintain the confidentiality of student records.
* The release of any non-directory information about a student to any person outside the institution, or to any school personnel without a legitimate educational interest, violates federal and state law, as well as university regulations.
* Share graded papers and exams only with:
    * the student,
    * school officials in the performance of official duties,
    * others only with the student's consent.
* Students should not have access to other students' grades: do not leave student papers or exams in a pile or on a desk where students must look through all the papers to find their own.

Available "Privacy" Trainings

Unless otherwise noted, training programs are available online and may be accessed remotely.

- **FERPA: Education Records**
  - Basics
  - For Faculty
- **GLBA: Financial Aid**
  - Take FERPA Basics
- **HIPAA: Protected Health Information**
  - General Awareness
  - For Fund-raising or Marketing
  - For Researchers
  - For Nurses
  - Visitors & Vendors
- **Pro3 Certification*: Privacy in Academia, FERPA (classroom)**
- **Red Flags Rules: Credit cards and Financial Information**
- **Social Security Numbers**

+ Customized Training for Colleges or Departments

Privacy & Online Teaching Tools

* **Sakai**: Grade distribution; quizzes and other course materials.
* **Turn-it-in**: Reviewing documents, detecting plagiarism; *this is a cloud service that may pose some risks that need to be evaluated for privacy and security.*
* **Qualtrics**: Research surveys; limited posting period, e.g. 30 days.
* **Voice Thread/Adobe Connect**: Deliver student accountable online lectures; video presentations within classroom; peer topic discussions; module meetings; *"use guidelines" essential*. Cannot use videos for future classes unless students provided written permission.
* **Pinterest**: Bulletin board for images; *potential personal information misuse*.
* **Googledocs**: *Unacceptable consolidated privacy policy; similar concerns for any Google product.*

When you're not sure, ask!

- Many experts at UF will gladly provide advice or clarification – before you do something. The following people and websites are available to you:
  - The Office of the University Registrar
    - http://www.registrar.ufl.edu/ferpa.html
    - 352-392-1374
  - The Dean of Students Office
    - http://dso.ufl.edu/
    - 352 - 392-1261
  - The Office of General Counsel
    - http://www.generalcounsel.ufl.edu/about/
    - 352-392-1358
  - The Privacy Office
    - http://privacy.ufl.edu
    - 352-273-1212
    - (Toll-free Hotline) 866-876-4472

Teaching: Introduction to Law and Policy

Barbara Wingo

Assoc. Vice President and

Deputy General Counsel

*Letters of Recommendation

*When is a written consent required?

*When is a written consent not required?

*When is a written consent recommended?

* http://www.registrar.ufl.edu/pdf/ferparelease.pdf

* Letters of Recommendation: Written Consent

Copyright: What does copyright protect?

* Copyright protects “original works of authorship fixed in any tangible means of expression.”

* Copyright is intended to secure to the author (or other owner of the copyright) for a limited period the exclusive right to (and to authorize others to) reproduce, distribute, sell, perform, or publicly display the copyrighted work and to prepare derivative works.

Copyright: What does copyright protect?

* Copyright protection is secured immediately upon creation of the work.

* Ownership of a fixed tangible form of the work vests no copyright.

Copyright: What may be used?

* Public Domain works
* Fair Use: To determine if a use constitutes a fair use, each of the following factors must be considered:
  * Purpose and character of the use.
  * Nature of the work.
  * Amount used in proportion to the work as a whole.
  * Effect on the potential market.

Copyright: What may be used?

- TEACH Act
  - Covers transmission of non-dramatic literary works, non-dramatic musical works, and limited and reasonable portions of all other performances.
  - What is required for an institution to take advantage of the TEACH Act?
- Permission to use Copyrighted Works

Copyright: Who owns what?

* Copyright immediately vests in the author upon creation of the work. But in the case of a work made for hire and employer is presumptively the author.

* University of Florida Policies:

  http://www.research.ufl.edu/otl/pdf/ipp.pdf

Copyright: Who owns what?

* A simplification of the University's intellectual property policies as they relate to electronic platform and online learning: http://teach.ufl.edu/resources/intellectual-property/

1. The University will own the copyright in a work of authorship by faculty member or other employee that is created to be captured electronically for use in an online learning course. The creation of such materials may be part of the faculty member's assignment or may be commissioned through an overload appointment.
2. The University has the right to use such course materials in the University's online learning courses without additional compensation to the originating authors.
3. Revision of online course materials will be the responsibility of author(s) unless they are no longer University of Florida employees or are unable or unwilling to make such revisions. In such case, the material may be revised by other University of Florida faculty.
4. If such materials are licensed to a third party (not to the University or an affiliated entity), distribution of proceeds will be governed by Article 25 of the Collective Bargaining Agreement for in-unit faculty members or the University's Intellectual Property Policy for other faculty and staff members.

Recording of Classes

- No private recordings without permission
- Recordings by the instructor or the University
- Access to recordings

Electronic Class Discussions

* Nature of the discussion can be limited.
* Required language for a University of Florida social media site that allows only comments that are consistent with, supportive or, and further the objectives of the University or the unit:
  * The University of Florida [description of unit if applicable] intends to educate, inform and provide updated information on [unit's or UF's] activities [or specify a narrower focus] and to support and promote the [unit's or UF's] objectives for these activities through its social media site. All [unit or UF][comments are made by [unit or UF] designees. This site is not a public forum. Social media users may share ideas through commentary that is consistent with an furthers the objectives of a [unit or UF] and the University of Florida [unit if applicable] reserves the right to remove any comments that do not fall within this purpose.
  * By posting a comment on this social media site, users agree to follow the terms of use of the site, Florida and federal laws and University of Florida regulations and policies, including but not limited to the University's Acceptable Use of Computing Resources Policy. The [unit or UF] reserves the right to remove from the site any comments that violate these requirements.

Records Retention

* Records Management:

  http://cms.uflib.ufl.edu/records/Records

* Records Retention Schedules:

  http://cms.uflib.ufl.edu/records/Schedules

* Student examinations: Record copy must be maintained 1 year after final grade is posted provided no appeal is pending. Records disposal request must be submitted.

* Other student work: Retain until obsolete, superseded or administrative value is lost.

* Student records (education records under FERPA) may only be destroyed by a bonded and insured professional document destruction company. The only company currently meeting qualifications is Cintas

Teaching: IT Security Concerns

Cheryl Granto

Manager IT Risk & Compliance

NO Dropbox
NO Google Docs

File Limits/Expirations

- *Total available disk space:* 100 GB
- *Maximum single file size:* 5GB
- *Default expiration length:* 1 day(s)
- *Maximum expiration length:* 5 day(s)

Notification system
A File-Express folder creator will specify various settings, including accessibility requirements and e-mail addresses of individuals meant to access uploaded files. *File-Express: File Sharing Service* will send notifications based on these settings chosen. These notifications include email messages to:

- *The folder creator:* whenever a File-Express folder is created and/or modified so the creator can share the URL.
- *The folder creator:* whenever a File-Express folder is accessed so the creator knows that files have been downloaded.
- *A list of folder users:* a File-Express folder can email users that files have been uploaded by the creator for download.
- *A non-UF uploader:* a File-Express folder will email that a folder has been created so that a non-UF user can upload files.

Features	File-Express folder	SharePoint
File Content	Personal & Corporate	Exclusively Corporate
Accessibility	Internal & External Associations	Internal Corporate Associations only
Main Purpose	Transfer of Completed Files	Collaboration Tool
File Size	Unlimited number of files of no more than 5GB each	Unlimited number of files of no more than 50MB each
Folder Creation	Unlimited, created by individual user.	Created by administrative personnel, privileged access required.

*Mobile Computing and Storage Device Standard

Mobile Computing and Storage Device Policy

- **Restricted Data** stored on **mobile computing and storage devices** must be encrypted.
- Any and all **mobile computing devices** used within the University of Florida information and computing environments must meet all applicable UF encryption standards. **Mobile computing devices** purchased with University of Florida funds, including, but not limited to contracts, grants, and gifts, must also be recorded in the unit's information assets inventory.
- **University of Florida** information security policies applicable to desktop or workstation computers apply to mobile computing devices.

Mobile Computing and Storage Device Standard

- All laptops and portable personal computers storing restricted data must utilize whole disk encryption. In addition, any laptops and portable personal computers purchased after August 17, 2011 must utilize whole disk encryption. All other laptops and portable personal computers shall have whole disk encryption installed by August 17, 2013;
- When testing is complete all smartphones and PDAs that access University of Florida data must be configured to encrypt any restricted data in persistent storage.
- All smartphones and PDAs must include the ability to remotely wipe stored data in the event the device is lost or stolen.
- All portable storage devices must include built-in encryption. The only exceptions to this are for specific uses where no Restricted Data will be stored and encryption would interfere with the device's intended use.
- Restricted Data must be protected by encryption during transmission over any wireless network and any non-University of Florida wired network.

If you have questions please email: ***security@ufl.edu***

	Product								
Operating System	Bit-locker	GPG	PGP WDE Pro	PGP WDE Entrp	PGP Virtual Disk	PGP SDA	EFS	File-Vault	True-Crypt
Mac OS		✓			✓	✓		✓	
Microsoft Windows 2000 SP4[1], Windows 2003, and Windows XP		✓	✓	✓	✓	✓	✓		✓
Microsoft Vista	✓						✓		
Linux		✓				✓			✓

*Encryption, Hard Drive

If you have questions please email: ***security@ufl.edu***

*Don’t Be a Data Hoarder

But if you do need to keep Restricted Data follow these:

Data Protection Recommendations

- Limit risk! If you don't need access to restricted data then don't store it
- If you must store restricted data on your laptop, use encryption
- When transmitting restricted data over the network, use the UF VPN to encrypt the session
- Per policy you must have remote data destruction software installed to ensure secure deletion of restricted data in the event your laptop becomes lost or stolen
- Remember you must be authorized to collect Restricted Data

Welcome to the University of Florida Qualtrics account.

To login you will need your GatorLink username and password. Once you are logged in, you will be able to create, deliver, collect, and analyze online surveys in support of your teaching, research, and studies.

Please note that Restricted Data is not permitted in the questions or answers of Qualtrics. For questions about what constitutes Restricted Data see http://www.it.ufl.edu/policies/infosecdefinitions.html or contact the IT Security Office or the Privacy Office.

For assistance, contact e-Learning Support Services: 352.392.4357, option 3 | learning-support@ufl.edu | Hub 132

*Qualtrics

*Data Destruction

NIST System Development Life Cycle Management policy require that media containing sensitive NIST data be erased using a repeated overwrite operation, purged, degaussed, or destroyed prior to recycling, reusing, donating, or disposal of the storage media.

DO NOT DELETE or DESTROY DATA unless authorized under the Records Retention Schedule

http://cms.uflib.ufl.edu/records/Schedules

Phishing (pronounced "fishing") is a process by which someone tries obtain your private information using deceptive means, usually by sending an email that appears to come from a business, bank, school, or other organization you trust. The email can entice you to a counterfeit Web site, which may closely resemble a trusted Web site.

Remember, **no one** at UF, including IT staff, will ever ask for your GatorLink password or full Social Security number. (Help Desk staff may ask you for the last four digits of your Social Security number if you need to reset your password.) If in doubt, call (352-392-HELP/4357) or email the UF Computing Help Desk.

*Phishing

- A faculty member was recently collecting students SSNs for a class that is managed in Sakai.
- The faculty claimed they needed the SSNs because of a class activity that involves the students visiting a prison and the prison requires the SSNs in order to allow their visit.
- The faculty member inadvertently distributed a spreadsheet in Sakai to the students that included the SSNs of those who already responded. The intention was to distribute a list of those students who had not yet responded.
- The wrong file was attached.

*Data Leaks, It's so Easy….. Stop and Think!

- A faculty member was collecting the SSNs of high schools students who were participating in UF sponsored project.
- The faculty was using SurveyMonkey.com to collect this data and storing the results on the computer and sharing the spreadsheet with a department staff member.
- The Faculty was not authorized to collect SSNs.

*Data Leaks, It's so Easy…..
Stop and Think!

- A faculty member was using Dropbox as a convenient method of gaining access to work files remotely and as a tool to share files with a research collaborator.

- Because Dropbox automatically syncs files saved in specific local folders, the faculty member did not realize that this was saving Restricted Data in the form of FERPA student records in the cloud.

*Data Leaks, It's so Easy….. Stop and Think!

Consequences for either UF or the individual are dependent on the situation…

…but they are never positive!

Data Leaks, It's so Easy…..
Stop and Think!

Exchange Your Current USB Drive for a Free, Encrypted USB Drive

Next event:

- April 18th, 2013
- at the Hub
- 11:30 AM -1:00 PM

*Data Leaks, It's so Easy…..
Stop and Think!

Questions?