

University of Oregon Libraries
University Library Committee (ULC)
Winter Meeting, 2014–2015 Academic Year
Tuesday, March 17, 2015
10:30 a.m.–12:00 p.m.
Rowe Conference Room, 115H, Knight Library

MEETING MINUTES

Present: Jack Boss (Music and Dance), Richard Chartoff (Chemistry), Mark Horney (Center for Advanced Technology in Education), Adriene Lim (Dean of Libraries), Jimmy Murray (UO Libraries), Gordon Sayre (English), Christopher Sinclair (ULC Chair; Mathematics)

Guests: Andrew Bonamici, Sara Brownmiller, William Harbaugh, Shane Turner, Mark Watson

Absent: Denise Gigliotti (East Asian Languages), Tim Jenkins (Physics), Amy Lobben (Geography), Debra Merskin (Journalism and Communication)

Draft privacy policy update

There has been some recent feedback regarding the review of the draft privacy policy. What has happened during the review process so far?

- As noted in previous meeting minutes, the Libraries already has a [privacy policy in place](#) and has been protecting patron information and following good practices. The Records Release Incident was a singular, atypical event. Reporting of the breach to University data owners was mandatory, per UO's information-security policy.
- Prior to the incident, Adriene's stated goals included a review of all of the Libraries' policies to strengthen existing practices and to provide more transparency. This policy is just the first one upon which are focusing.
- After working with the Senate's ULC to review the first versions of the draft, Adriene checked with Doug Park and Chuck Triplett about next steps for review, because it wasn't clear whether library policies were considered "unit-level" or "institution-level" at UO. The email letter she sent on March 4 included the following information:
 - The stakeholders and colleagues who had already provided feedback on the draft policy: the Senate's University Library Committee (ULC), the Libraries' management team, and the Special Collections and University Archives (SCUA) unit. The American Library Association's Office of Intellectual Freedom has also given the draft its approval.
 - The stakeholders and colleagues who would next receive the draft for review: the Library Faculty and OA body, then the final draft would be submitted to General Counsel and Academic Affairs
 - At previous institutions, this type of library policy is often considered a unit-level policy and does not go through institutional-level policy review mechanisms
- On March 9, Adriene had not yet received a response and sent a follow-up email, copying new Interim Assistant Vice Provost Ron Bramhall, with a new version of the draft privacy policy. The draft was revised to incorporate comments from the ULC and information about the use of security cameras. (Note: The library requested legal review of the libraries' separate security camera policy draft in August 2014, but was told to hold off on it because

there needed to be a campus-level policy drafted. To the Libraries' knowledge, a University-level policy has not been completed.)

- Chuck Triplett responded on March 10, stating that he had reviewed the draft and believed that the policy could be processed as a unit-level policy.
- On March 11, Ron Bramhall responded to provide his opinion that unit policies were those that primarily affected the members of that unit and, since this policy potentially affects any library patron, he believed the draft should go through the Policy Advisory Committee (PAC) process
- Adriene is happy to follow the PAC process and/or any other process that is necessary to get the policy in place.

Discussion of the policy draft and review process; ULC charge and roles

- It was noted that the Libraries' policies, to date, have been considered unit-level and are noted as such on the [UO Policy Library](#) webpage. Look at the policy page and review the ones that are unit policies. Using the privacy policy as an example of what now seems to be considered a university-level policy, there may be many other unit policies that should be university policies, and vice-versa.
- Many institutions consider their library policies to be unit-level, so the initial response from Chuck was not surprising, at least to Adriene and others in the Libraries.
- A ULC member stated that the privacy policy seemed non-controversial at this point. The draft simply needs to go through the PAC process.
- The Chair of the ULC is automatically put on the Academic Council. As a result of the GTFF strike, the Council will be discussing these types of situations in which administration should consult with various Senate committees, including the ULC. The Chair wants to establish guidelines for when the administration should consult the ULC. For example, in the records release incident, it would have been nice for the ULC to have been consulted earlier. One challenge would be that, as a group, we are forced into being reactive, and we do not yet know the whole story.
- The group inquired about its ability to discuss the personnel issues involved with the case. Adriene explained that she would like nothing more than to share additional information, but she is not at liberty to do so. Personnel issues cannot yet be discussed and may never be able to be discussed.
- The charge of the ULC was reviewed: "The Library Committee shall be responsible for advising the University Administration on library affairs, serving in an advisory capacity to the University Library administration, acting as a liaison between the Library and faculty, and providing a faculty perspective on Library budgetary matters."
 - The ULC is an advisory committee and is part of the UO Senate, so the charge from Bill Harbaugh that the Libraries were trying to bypass the Senate seemed to be discounting the role of the ULC and its members.
 - Adriene noted that the Libraries want to be great collaborative partners and want to meet faculty and students' library needs; thus, the advisory role of the ULC is very much required and appreciated. However, library faculty are also experts in library and information science — with their own ethical standards and approaches — and should be respected in their own right. She expressed her belief that library faculty should be allowed the appropriate autonomy to run their operations in a manner consistent with professional best practices and norms.
- What are the mechanisms for the committee to have access to pertinent information?
 - Is the ULC able to provide unsolicited advice? Yes.

- To date, the library has not been shy to share information regarding operations and policy. The library has asked the ULC members what topics they would like to discuss at meetings; lacking feedback, the library has set the agenda more often than not.
- One member expressed concern that the non-library faculty might have a different perspective on what should happen to the librarians that were put on administrative leave, relative to the perspectives of administrators. Without access to more information, one way to interpret what happened is that discipline is being meted for fulfilling a simple archives request.
- Adriene reiterated that personnel-related details could not be shared, but that the case was much more complex than is being presented by those who lack information.
- The library has received many notes and messages from faculty and community members about the case, and that those notes have been shared with upper administration.
- Will other library faculty and staff be afraid to release library or archives information as a result of the lack of shared information regarding this incident? Adriene and others from the Libraries expressed their views that they did not believe so; library employees understand the distinctions among patron records, administrative records such as personnel records, and historical archives records.
- Next steps for the privacy policy review:
 - The Libraries currently has a draft policy and advice that the policy needs to be reviewed by the PAC. Who is responsible for ensuring that this happens?
 - Adriene would submit the draft to the PAC.
 - The UO processes on policies are still relatively new. A draft policy goes to the PAC for review, and the PAC then determines what happens next; the PAC would be in charge of the next step.
 - A ULC member suggested that the committee make a motion to support that the university adopt the privacy policy. If anyone were to suggest that the Senate was bypassed, then we would have a statement showing that that was not the case. The Chair agreed that it is reasonable to write such a statement; he will draft a statement and send it out to the committee for electronic vote.
- Policies and procedures on information-security breaches
 - How common are breaches? Very infrequent; maybe once in a career, if that.
 - Under what circumstances are you compelled to report an incident?
 - If a breach of sensitive or protected data occurs, we all are compelled to report it, per in-force [OUS Information Security Policy #56.350](#).
 - Professor William Harbaugh (guest) suggested that Senators will say that they are worried that this information-security policy will be used as an excuse to close access to public records; for example, there are attachments to emails that have not been put into archives. The public has concerns about this for good reasons. Library representatives in the room reiterated their commitment to equitable service and open records, following their professional ethics and values, but we also have obligations to protect data when necessary. [The information security policy classifies data according to specific criteria.]
 - There is an [“incident response” policy](#) at the university-level. When an incident like this happens, the process outlined in the policy must be followed.

- Preservation of public records
 - The UO needs to know that someone is ensuring that the documents that are required by law to be preserved are being preserved. Professor Harbaugh expressed his view that this should be charged to the Libraries. Others voiced their opinions that this should be placed higher in the University.
 - Library representatives in the room advised that the Libraries have not had the staffing or resources to directly manage review and transfer of all university records. The responsibility for this has always belonged to the originating unit [a.k.a. offices of record]. The Libraries accessions only the permanent records it receives from the other units.
 - From comments made during a Senate meeting, there seems to be a misunderstanding about the important distinction between non-permanent records vs. permanent archives, and also about the Libraries' role in determining exempt from non-exempt status and granting access to non-permanent records.
 - Offices of record are responsible for separating permanent from non-permanent records.
 - In the case of the presidential electronic records, an exception was made, with Libraries staff accepting both non-permanent and permanent records for separation and processing. Because the records were not processed, staff have not checked to see if attachments are included or not included in any particular email exchange. *[N.B. If correspondence originated in another office of record—for example, the VPFA or Provost—attachments would be preserved there. There is no reason to assume that all attachments would be preserved by all recipients, including the Office of the President.]*
 - The records management program offers a records storage service for non-permanent records that are scheduled for destruction with at least 15 years remaining on their retention period. Legal custody remains with the originating department (office of record). Researchers seeking access to non-permanent university records must contact the office of record directly or contact the [UO Office of Public Records](#).
 - Libraries is committed to maintain the historical record.
- Privacy versus access
 - A guest participant expressed his opinion that the library needs to address the dual purpose of archives: privacy and access, or else the Senate will react badly. A ULC member explained that the committee had addressed both the issues of privacy and access in past ULC meetings.
 - The library agrees that both privacy and access are important. The library is focusing on privacy now only because it is the current key issue. Libraries are usually not the decision-makers in regard to public records requests, but they can and do advocate for more openness as a core value.
 - How does one get access to the records? Once the permanent records have been determined and reviewed, they will be put on [Scholar's Bank](#). Non-permanent records must still be accessed via public records requests.
 - The processing of the released documents is underway, determining what is in the records and separating non-permanent records from permanent.
 - Archival processing is done at the series (or box) level, not item by item typically.
 - Patrons are responsible for notifying the library if there is something confidential found in the records received. Our policies state that patrons should immediately return any sensitive or confidential documents if they discover them.

- Of course, all of this relates to **archival** records, and the great majority of the records released in the breach were **not** archival records, but non-permanent records. As mentioned before, only permanent records are accessioned into the University Archives. Non-permanent records are *not* added to the University Archives. That is why Adriene’s Senate remarks made the distinction between records management functions versus archives-related functions. The breach involved non-permanent records to a great degree.
- Political climate
 - The library was advised by a guest participant that we have a political issue on our hands because we turned for policy advice to persons known to be a problem or mistrusted in the administration.
 - Since the privacy policy was shared with the ULC, a member verified that the review seems to have been done correctly to this point—no “sneaking” around the Senate was involved because the ULC is a Senate committee [referring to a UO Matters blog post].
 - Adriene stated her belief that different groups and people on campus, i.e., administrators, faculty, staff, should be working together to get things accomplished. Perceiving certain people and groups to be the “enemy” is surprising to her as a new person in UO’s culture.
 - Another library participant expressed his frustration that, if in doing our jobs we need to work with people at Johnson Hall, we are viewed negatively just for doing so, that would be a continuing problem, because we often have to work collaboratively with Johnson Hall, faculty, and many others. It’s not possible to heal the problem that some faculty have with administrators through this one committee or by continuing to focus on this one issue.
 - Reacting to some of the policy issues under discussion, Bill Harbaugh noted the circumstances under which he had returned the documents, i.e., that he had been “threatened with discipline” and that lawyers had been involved.
 - A few participants expressed their opinions that the UO Matters blog has distorted the truth.
 - A ULC member stated that his opinion that the message of the blog is that there is a transparency issue, even if some posts are questionable.
 - A library member stated that, if someone on the ULC has a problem with transparency or with the policy review process, then that person should have gone first to the Chair of the committee, not to a non-committee faculty blogger first.