

Tuesday, March 25, 2014

## Click-Through Agreement Task Force, ETLG

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Tuesday, March 25, 11am - 12pm

Dial in Number: 866-740-1260 Code: 6439923#

In Attendance: Jenn Stringer (UCB), David Levin (UCD), George Michaels (UCSB), Dan Suchy (UCSD), David Hutchins (UCSD), MaryEllen Kreher (UCOP)

George acting as Scribe

Wrapped meeting at 11:50 AM.

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### Agenda

1. Review Meeting Notes Meeting Notes - Click-Through Agreements Task Force (03/11/14) - Check on access to wiki site for agenda and review of the notes from the last time. Focusing specifically on a response to the ITLC recommendations document. Catch up on where we are. Did talk around some issue related to Acceptance of Terms.
  2. Complete review of the recommendations of the report.
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### Introductions and Preliminaries

Discussion about agenda. Review of notes from previous meeting.

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### Review

#### **Acceptance of Terms**

1. Extend existing models for low cost procurement delegations to allow low-risk technology purchases to go through quickly using click-through terms.
2. Develop guidance on when a click-through is being done on behalf of an individual and when it is being done on behalf of the University.
3. Discussion:

Jenn, a lot of these agreements do not require any payments, and hence the recommendation that procurement services get involved does not really make much

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sense. A lot of this material is free to access and use. MaryEllen agrees, that most faculty and students do not even bother to read the terms of the agreements since the service is free, so they just ignore it. Example of faculty member using Twitter for an SRS system for points. Faculty had to come up with a work around for students who did not want to participate on Twitter. Students need an alternative. MaryEllen to follow up to find out what the alternative was.

Many faculty do not know who on campus they might need to turn to in terms of purchasing services to even get advice on these agreements. Should ETLG be a broker? Should TAS be the broker? Does it make sense to have a systemwide entity deal with this for free. Jenn, definitely an education of the faculty issue, and point them to the appropriate guidance and policies that already exist. In CA, there is a state law that specifically prohibits requiring student to use a social media tool, without providing an reasonable alternative. May only apply to K-12, but may apply across the board. UCOE is in a unique position in that all faculty members participating have to go thorough the team. On campuses that is not the case. There is no eye of the needle for these services that faculty have to pass through. Lists do get out of date, so someone needs to maintain those lists of services that are white, black and don't know. If pricing is not an issue, the risk of signing agreements is that personal information may be available for data mining, can the system approach it from the standpoint of trying to protect student privacy.

David, for example with something like Piazza, would the system enter to an agreement with them, rather than leaving up to individuals. Is the concern about privacy, or something else? Also will the entities be willing to sign a master agreement with the system. Two cases, one where there is enough use that there are systemwide groups involved in the agreements, e.g. Google Docs. Other case is individual tools that individual faculty want to use, but in such low volume that there would not be any incentive for a systemwide agreement. If faculty are using these applications in the context of offering online courses, as opposed to in a hybrid model, if the application or tool has an LTI to a secure system, would that help at all? Jenn, conversations about that possibility, faculty can plug in LTI tools without involving any staff for help or guidance. This will increase as LTI tools proliferate. UT Austin will not allow Google tools to be plugged into their Canvas instance because it can't be tied to a UT Austin Google account. Other schools do allow that, which means students are using their own personal Gmail accounts. These decisions and recommendations will vary widely by school and school environment.

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David, maybe the best bet is developing a checklist guideline for faculty to at least consider as they think about adopting a tool. As was mentioned last time. Seems to be a great approach, and if ETLG created a common document for everyone to use. UCI has done a great job with this kind of document. Not quite a checklist, but close. Might consider adopting some common tools for helping faculty think through these issues. It lets us be proactive, but does not make us have to try to be traffic cops. Has certainly worked for copyright and fair use. At least by having a tool like this, many of the support staff will have something to refer to. Can also be linked to from the footer of the LMS. Can put in an announcement that pops up during the term on the LMS when faculty link in. Reference to Stanford's fair use guidelines, which are widely used. Perhaps we could do something similar for the click through agreements. UCI's site could be a great starting point for this.

Definitely could work with the working group that developed the ITLC's recommendations. Maybe funding from UCOP for a half time person to develop the guidelines. Rather than all of use putting the effort in for free. A request for funds might make perfect sense. May be able to work through Shoreh to see if UCI might have someone who could be hired to develop this if there is some funding from UCOP. Could really build this out very well with some research and dedicated personnel. In addition, data security folks on the campuses and Counsel would need to sign off on the final set of recommendations. Might also see if this works with systemwide licensing group. David can talk to Gabe Yatsee (?) at Davis on that. Can we find out if the group who put together these recommendations is still in existence, or if they disbanded when this work was completed? David will reach out to Gabe. Jenn will reach out to Lisa Houge (?) at Berkeley on the policy side.

Want to cover cases where there will not be a contract signed, but still advise faculty on what the risks are because they are agents of the university. Who was this document presented to? Just ITLC, or did the Regents hear it as well? Maybe Jim can check on the person at UCSC who participated in the formulation of this document. This is good timing for us to keep this ball moving because we are the ones systemwide that are really dealing with this on the instructional side. Bigger impact on our organizations than in the administrative and research spaces. We should be the ones rallying.

In the context of creating a web presence with guidance, what recommended actions are we hitting with this? Is it risks and impact and educating end users? Also can touch on the ECT conflict and ambiguities and the individual responsibilities elements. Acceptance of terms is really focussed on the authority to agree. Is there a way to make faculty recognize that they can not sign on behalf of the University because these

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are commercial entities. How best to inform faculty that they are signing on behalf of themselves, and not the University. Can anyone name an instance in these sorts of services where you would be signing on behalf of the Regents? That is a much more administrative kind of arrangement. Probably not. In a sense they are acting on behalf of the University, but not really. What about Google Apps for Ed licensing, which does not include Google Plus, which also does not include Google Hangouts. UCSC document does the best job of explaining what is, and is not, included in the core service governed by the systemwide Google Apps agreement. With Google Hangouts at the institution, then Hangouts can be covered as part of the Google chat service (Google Talk) - so ends up being a very grey area about what is covered under the terms of the agreement and what is not. Would we also offer to provide optional guidance to students who do not want to participate? Yes, definitely, and very prominently. That can drive faculty to our organizations to find out what the alternatives might be. We can help them with figuring that part out.

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## Next Steps

### **Recap**

Do have some TODOs set up. Certainly close to making a recommendation for what the ETLG's next steps should be. In summary proposing to create a web presence to provide uniform systemwide guidance to faculty about the issue involved in these agreements regarding risks, alternatives, and who on their campus with which to consult. On the same scale as the fair use guidelines and copyright at UC web resources. On the same scale and level as this. This recognizes that faculty have a lot of freedom to do what they want, so the best we can do is try to make sure that they are informed. Should propose that this be hosted at the UCOP website. MaryEllen will find out who manages the copyright site for UCOP.

### **To Do**

1. Start constructing a recommendation to take back to ETLG. David and Jenn have enough to work with to take to the ETLG.
2. Keep final meeting in case we need it.