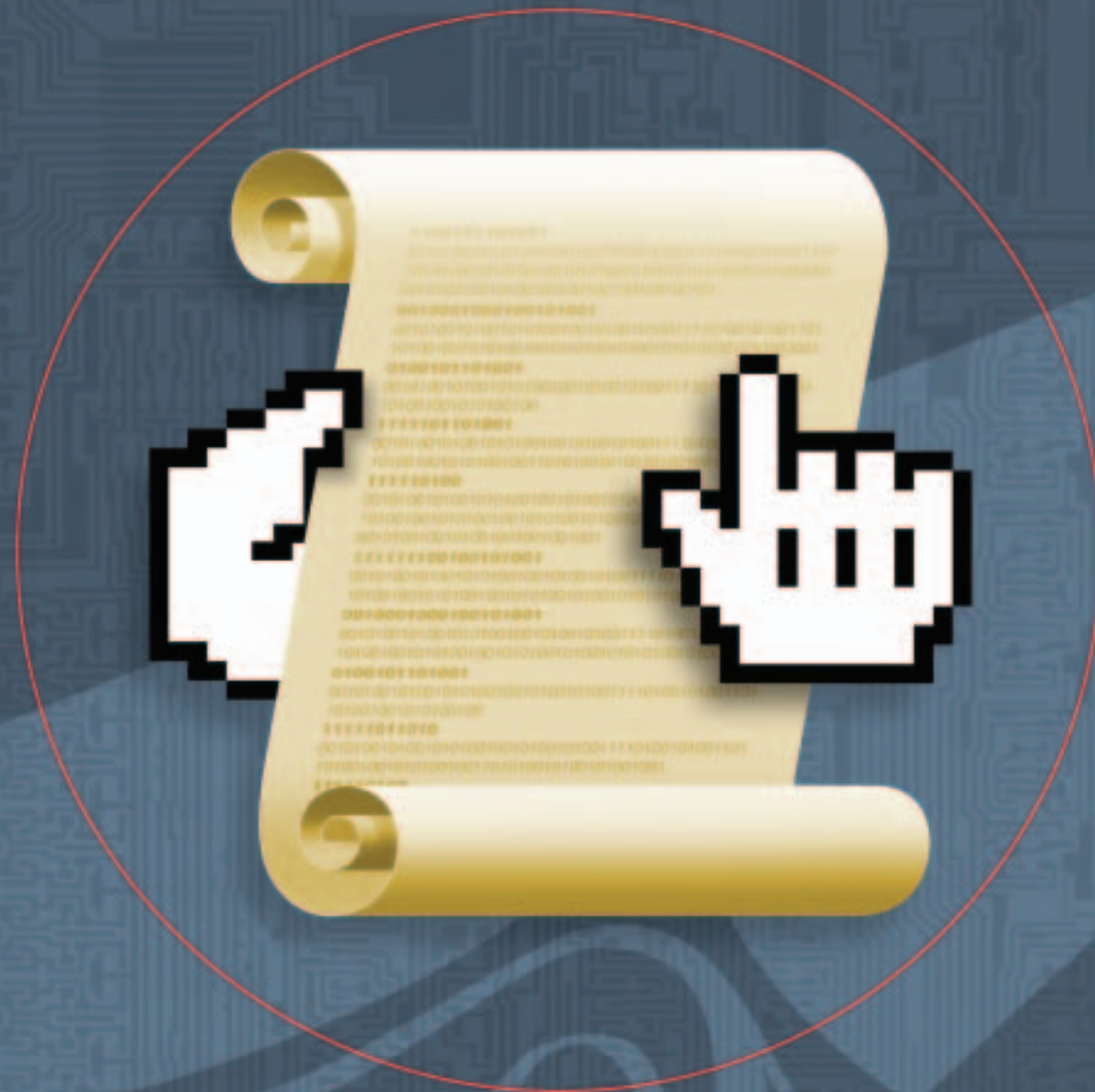


EDUCAUSE Services in Information Technology POLICY

By Mark A. Luker

As networking, computing, the Internet, digital media, and other information technologies assume a pervasive supporting role in higher education, institutional leaders are becoming increasingly concerned with the corresponding policy issues that govern the use and evolution of these technologies on campus. Many of these issues involve traditional themes—such as intellectual property, academic freedom, privacy, security, and fiscal responsibility—applied to difficult new situations with multiple, competing interests. Other issues have emerged from a collision of once-separate policies that are now being forcibly brought together by the convergence of underlying technologies. Still other policy-related issues may be entirely new. For example, should networked communications be treated like paper mail, telephone communications, both, or neither?

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All of these campus IT policy issues are heavily influenced by decisions made on the national level. Federal policy-makers regularly establish laws and regulations that help to shape the use and evolution of information technologies nationally, often in the spotlight of intense commercial competition. The resulting federal IT policies can have a significant impact on campuses, either directly through laws and regulations that constrain campus policy (such as recent laws concerning computer security and intellectual property on digital networks) or indirectly through the shaping of entire technologies and markets (such as the broadband debates). It is therefore vitally important that higher education promote its interests in the definition of federal IT policy, especially since some of its positions may differ from others that have very strong backing in Washington, D.C.

To help higher education in this task, the EDUCAUSE Policy Program in Washington, D.C., works to anticipate, track, and influence the development of federal policies, laws, and regulations that may significantly affect the course of information technology in higher education. It coordinates national-scale, leading-edge initiatives that shape federal IT policies for the good of higher education as a whole. But the EDUCAUSE Policy Program works to help higher education institutions on an individual basis as well. Ultimately, each campus must debate and interpret the national policies in order to establish appropriate IT policies within its own framework and environment. The EDUCAUSE Policy Program thus offers numerous ways for institutional leaders to improve the effectiveness of their campus IT policies by sharing information with, and learning from, experts and leaders at other campuses across the country.

The EDUCAUSE Policy Team

The EDUCAUSE Policy Program draws on the expertise and services of nine professionals based in the EDUCAUSE office in Washington, D.C. The policy team is augmented, as required, by the remaining executive officers of the association. This staff-centered picture dramatically understates both the resources and the influence of the EDUCAUSE Policy

Program, however, since the professional staff is leveraged inside the association with the energy and expertise of many interested members and outside the association through coalitions of partner organizations.

EDUCAUSE leading-edge initiatives such as NLII and Net@EDU provide structured collaboration opportunities for members interested in advancing the

mony with these allies to extend our knowledge and leverage our influence on issues critical to our members.

EDUCAUSE maintains an especially close working relationship with the Higher Education Alliance for Information Technology (<http://www.heitalliance.org/>), a coalition of presidential associations and critical supporting associations. The Alliance focuses on federal IT policy issues

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state of the art in a particular area of focus. Although often formed around issues of technology, most such groups see the need for breakthrough developments in business practices and policy as equally important. They provide the EDUCAUSE policy staff with a rich source of expert advice and an eager set of voices to address policy issues in areas such as broadband networking, distributed learning, innovative administrative systems, public key infrastructure, and computer and network security.

The EDUCAUSE policy staff magnifies its impact by working closely with over a dozen other associations that represent major professional components of higher education (such as CNI, ARL, CLIR, ALA, AACRAO, NACUBO, AACRAO, ACUTA, and NACUA, among others),¹ with a smaller group of associations that represent the presidents of major categories of academic institutions (such as ACE, AAU, NASULGC, AACSU, CIC, and AACCC),² with associations formed around a particular issue (such as the Coalition for National Science Funding and the Distance Learning Discussion Group), and with associations that represent issues concerning the IT industry or governance (such as ICANN and ITAA).³ Members of the EDUCAUSE policy team freely share tips, leads, information, documents, presentations, letters, and testi-

that cut across the higher education community. It provides a platform for discussions that can harmonize the policy positions of different components of higher education, avoiding the damaging effects of arguing opposite sides of the same IT issues before federal policymakers (as higher education has sometimes been known to do, both in D.C. and on campus).

The EDUCAUSE Policy Program and Federal IT Policies

The EDUCAUSE goal of transforming higher education through information technology depends significantly on federal policies. This is partly due to the critical role of the federal government in funding and guiding the discovery and deployment of new information technologies, particularly in the realm of high-performance computer networking and its applications in support of research and education. It is well known that academic researchers play a central role in federal research and development (R&D). Not as well known is the fact that many important R&D projects involving national-scale networking for research and education are hosted in the member communities of EDUCAUSE and Internet2. The actions of these national coalitions can in turn affect the future direction, size, policies, and success of much larger programs.

Equally important are federal laws and regulations that are intended to influence the way information and communications technologies support the economy, society at large, and (sometimes incidentally) higher education—for example, the ongoing debate over the shape of federal constraints on the use of copyrighted information for online learning; the intense discussions in Congress and the Federal Communications Commission (FCC) over the best ways to increase the reach of broadband networking, a key goal of higher education; and the new “National Strategy for Securing Cyberspace.” It is no accident that such issues involve multiple levels of government, major corporations, and other powerful interest groups, as well as academia. All of these issues affect the policies and values, as well as the operations and

finances, of higher education. Taken together, such examples show that it is essential for higher education to play an active role in the formation of policies that influence the development and use of IT not only on campus but throughout society. This is no simple task, since IT policy often shares the complexity, volatility, and improvisational character of the technology itself.

Table 1 shows a recent version of the EDUCAUSE Federal IT Policy Issues grid, which summarizes significant federal IT policy issues and their impact on higher education.⁴

A Traditional Role

In its traditional role, the EDUCAUSE policy team focuses on those federal policy issues that are of greatest importance to the successful application of IT in higher education.

Intelligence. The EDUCAUSE policy staff discovers and tracks important developments in Congress, the FCC, the National Science Foundation (NSF), the U.S. Departments of Education and Commerce, industry, and other agencies and organizations. It works with partners and other experts to provide broader and deeper coverage. It distills the relevant news and information and informs members and partners through a variety of channels

Table 1. EDUCAUSE Federal IT Policy Issues

Category	Issue	Impact on Higher Education
Advanced Networking and Broadband	Access to Advanced Networks	Ability to provide faculty and students best capability to access information and collaborate via distributed/distance education
	Broadband Pricing	Affordability of advanced networking to the campus and home key factor in determining future of distributed learning among colleges/universities
Digital Copyright	Peer-2-Peer	Preeminent environment for such applications; OSP liability issues
	Database Protection	Costs and access to information for research and instruction; value of campus intellectual property
	UCITA	Potential effect on software licensing practices and recourse for defective software
	Distance/Distributed Learning	Impact on how faculty and students access and share copyrighted digital content
	Webcasting	Impact on the ability of institutions to Webcast courseware and campus radio-station programming
	Domain Names	Value of campus name and trademarks on the Internet; potential requirement for global vigilance
Federal Investment in Advanced Networking and IT	Funding for Advanced Networking Research	R&D support for institutions; rate of evolution of IT and dissemination into community
	Funding for Distance Learning; "12 Hour Rule"	Possible restricted growth of distance education due to Department of Education financial aid regulations
	E-Rate	Network access for K-12 partners; costs of campus communications services
Internet Content	Internet Gambling	Network management challenges/dilemmas: increased costs of noneducational content; user privacy; monitoring, filtering, liability, and public relations
	Mandatory Filtering	
	Spam	
Internet Governance	Internet Taxation	Costs of network services; impact on state funding
	Internet Service Providers, OSPs	Liabilities and costs associated with operating a campus network
Privacy	Privacy Policies	Requirements for Opt-in, Opt-out options; legality vs. plain language
	Identity Theft	Database security, integrity; dangers in using social security number identifiers; liability for release of personal information; protection of students, faculty, and staff; victim support
Security	Cybersecurity	Impact on higher education's resources and ability to conduct federally funded research due to federal government efforts to promote security benchmarks and/or procedures
	Network/Online Service Provider Responsibilities	Requirements to cooperate with law enforcement; need to balance protection of the community with protection of faculty and student privacy rights
	Surveillance of Foreign Students	Administrative costs and institutional personnel manhours needed to track all foreign students attending an institution
Telecommunications: Voice and Wireless	Wireless Services to Tribal Lands	Benefits of connectivity for all institutions of higher education
	Competition in Local Markets	Possible institutional exemption from any nondiscriminatory access requirements the FCC may adopt for multi-tenant residential buildings
	Spectrum Management	ITFS in danger of being auctioned off for 3G use, leaving education with less viable spectrum
	Voice over the Internet	Speed or impede dramatic changes in costs and capabilities of communications as voice, video, and data merge onto a single network

including *EDUCAUSE Review*, *EQ*, *Washington Update*, white papers, and Web pages.

Federal policy formation. The policy team listens to members and partners as well as experts and analysts as it formulates policy positions on behalf of the association members. EDUCAUSE working groups provide deep expertise in specific areas of interest, such as network

of others, offer testimonials and draft language to policymakers, visit policymakers on behalf of EDUCAUSE members, and offer sample and template letters for the use of member institutions.

The annual federal policy conference. Current EDUCAUSE federal IT policy initiatives and the impact of policy issues on higher education are highlighted each year in the annual Networking 200X meeting in

working at smaller institutions. In both cases, a substantial number of the resulting recommendations were implemented. In 2000, EDUCAUSE testified on distance learning before the Web-Based Learning Commission, and in 2001, it was invited by the National Research Council (NRC) of the National Academies to contribute to the discussion of policy issues surrounding the digital divide. In 2002, at the invitation of Richard Clarke, the White House Special Advisor for Cyberspace Security, EDUCAUSE coordinated the contribution of the higher education sector to the “National Strategy to Secure Cyberspace” of the President’s Critical Infrastructure Protection Board. In addition, EDUCAUSE is frequently asked by other associations to offer advice and direction on matters of IT within some broader context. EDUCAUSE members and staff have led discussions on the

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security or broadband networking, while the program committee of the annual Networking 200X federal policy conference and the Policy and Law Constituent Group provide advice across a broad range of issues.

Education and professional development. The policy team provides education and professional development on federal IT policy issues through a coordinated suite of white papers, articles, books, panel discussions, preconference seminars, and institutes. It shares personal presentations and written materials widely with partner associations representing other segments of the campus community. Many of these materials are keyed to presentations for executives of the member’s home institution.

Representation. The EDUCAUSE policy team represents and advances the viewpoints of EDUCAUSE members to Congress, the FCC, the NSF, the National Telecommunications Infrastructure Administration (NTIA) of the Department of Commerce, the Department of Education, and related offices, associations, and coalitions. Staff members draft original letters and comments, sign on the letters

Washington, D.C. Speakers include leading representatives of Congress, federal agencies, and higher education; they address an audience of campus CIOs, federal relations staff, and government policymakers on the latest issues of IT policy. After each conference, interested EDUCAUSE members participate in visits to the FCC, the NSF, and Congress.

Beyond the Traditional

The EDUCAUSE Policy Program regularly goes beyond its traditional role and directly shapes the development of new policies, either by representing the IT community in higher education or by supporting innovation through leading-edge activities that help to define policy and technology options for the future.

Representing the community. In 1998, the NSF asked EDUCAUSE to host and facilitate a workshop in which top leaders in advanced networking and supercomputing would recommend directions for the NSF’s next five-year program in advanced networking. More recently, the U.S. President’s Information Technology Advisory Committee (PITAC) asked EDUCAUSE to lead a discussion of the federal role in supporting advanced net-

technical aspects of the Technology, Education, And Copyright Harmonization (TEACH) Act of 2001 (for the National Association of State Universities and Land Grant Colleges and the American Library Association), on business and legal issues for CIOs implementing the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA-PATRIOT) Act of 2001 (for the American Association of Universities), on implementation issues of the new Student and Exchange Visitor Information System (SEVIS) of the U.S. Immigration and Naturalization Service (for the American Council on Education), and on proposed requirements to monitor campus communications in order to prevent illegal gambling (for the Higher Education Alliance for Information Technology).

Innovation. EDUCAUSE has been unusually influential in shaping federal IT policies through a special type of initiative that organizes the higher education community in a national “proof of concept” or “demonstration project” that not only shows what is possible but also may establish a new direction. The Internet2 project, for example, was organized in

and “spun off” from the Networking and Telecommunications Task Force of Educom, a recent parent of EDUCAUSE. Internet2 now defines much of the scope and methods of advanced networking in higher education and, as such, influences the development of federal programs and polices for networking in the future. In another example, the PKI for Networked Higher Education Working Group of the EDUCAUSE Net@EDU initiative is closely involved in the development of the Higher Education Bridge Certification Authority (HEBCA). A nationwide combination of technology, business, policy, and politics, HEBCA links with a similar Federal Bridge Certification Authority in a model system that could eventually support trusted electronic communications between any college or university and any federal agency. The HEBCA project requires complex business and policy agreements among federal agencies, oversight committees, colleges/universities, and associations, in addition to advances in PKI technology.

When successful, this innovative project not only will demonstrate new ways to implement policies of security and trust but also will help forge the required political alliances and contracts.

Recent Activities

Computer and network security. EDUCAUSE has strengthened its Computer and Network Security Task Force in response to the terrorist attacks of September 11, 2001, and the renewed government emphasis on cybersecurity.

As noted above, the association has organized a number of presentations and workshops on the new PATRIOT Act, has established a working relationship with the White House Special Advisor for Cyberspace Security, and has coordinated the higher education contribution to the “National Strategy to Secure Cyberspace.” Many members of the community are participating in these discussions through a series of workshops sponsored by the NSF. This security project is shared with

Internet2 and is supported by ACE and the higher education presidential associations.

Broadband networking. EDUCAUSE has been active in advanced networking for higher education for over a dozen years. Its Board Pricing Working Group of Net@EDU is a focal point for activist members and corporate partners. The association is currently working with Internet2, the Southeastern Universities Research Association, and the NSF Partnerships for Advanced Computational Infrastructure (PACI) “GRID” members on an NSF Network Middleware Initiative that will help to set future directions for middleware across the communities of research and education (<http://nsf-middleware.org/>). EDUCAUSE has worked for years with several Washington, D.C., coalitions that support the development and deployment of broadband networking, and it has offered testimony and letters of support to Congress, the FCC, and the NTIA.

Intellectual property. The EDUCAUSE policy team has consistently worked with partners—such as the ARL, ALA, and AAU—on the higher education response to the intellectual property issues surrounding the Digital Millennium Copyright Act. Partner associations have asked EDUCAUSE to address the related technical issues of the proposed TEACH Act. These issues are especially pertinent in that higher education is both a major producer and a very large consumer of digital information and services.

Federal investment in IT. EDUCAUSE has been effective in working with the higher education presidential associations, the Coalition for National Science Funding, and congressional aides in supporting appropriate levels of federal funding for R&D and deployment of advanced networking.

Wireless spectrum allocation. Through letters and visits to the FCC, EDUCAUSE was influential in the higher education re-

sponse to protect the allocation of the Instructional Technology Fixed Spectrum (ITFS) broadcast spectrum for distance education. In addition, the EDUCAUSE/NSF Advanced Networking with Minority Serving Institutions (AN-MSI) project has installed advanced wireless services on tribal lands.

Networked distributed learning. EDUCAUSE has been active in pressing Congress for changes in financial aid rules that limit the opportunities for distributed education. The president of EDUCAUSE testified on related issues before the Web-Based Learning Commission. EDUCAUSE also has been influential in shaping federal research programs for online learning.

Internet gambling. EDUCAUSE wrote the lead letter to Congress opposing proposed language that would have required extensive campus monitoring of student and staff communications to prevent illegal gambling. This proposal was withdrawn.

Digital divide. EDUCAUSE is contributing to a significant step forward with respect to the digital divide by hosting a \$6 million, four-year NSF award for AN-MSI. PITAC, the Department of Education, and the NRC all have asked EDUCAUSE for advice on related issues.

Domain name system. In 2001, the Department of Commerce selected EDUCAUSE to manage the .edu top-level domain. EDUCAUSE has established the first open process for suggesting policy changes for the .edu domain, and it has garnered the support of ACE and NACUA to form the corresponding policy board. EDUCAUSE staff members have been active in policy development within ICANN from the beginning.

The EDUCAUSE Policy Program and Campus IT Policies

The EDUCAUSE Policy Program supports several activities of direct benefit to institutional leaders in the development of campus IT policies. Taking advantage

of the underlying similarities in values, missions, structures, laws, regulations, and technologies that make up the IT environment of higher education institutions, these activities help leaders learn from campus IT policy experts, as well as from the experiences of others in similar situations.

EDUCAUSE/Cornell Institute for Computer Policy and Law. The EDUCAUSE/Cornell Institute for Computer Policy and Law (ICPL) provides an important new link between the EDUCAUSE federal IT policy activities and the impact of these issues on campus IT policies. A joint program of EDUCAUSE and Cornell University, the ICPL brings together noted experts on campus IT policy at an annual seminar. The ICPL also collects examples of campus IT policies on the major issues and maintains a public library of these policies and related information as part of the EDUCAUSE online library (<http://www.educause.edu/icpl>). For example, a quick look in the ICPL library under the category “privacy policies” yields a list of over fifty pointers to campus policies, including Columbia, the University of Alabama-Huntsville, and Indiana State. In addition, ICPL representatives often appear as speakers and on panels dis-

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cussing IT policy in higher education. Before the annual and regional EDUCAUSE conferences, the ICPL offers preconference seminars on issues of campus IT policy.

The Policy and Law Constituent Group. Another valuable resource for campus leaders is the EDUCAUSE Policy and Law Constituent Group (<http://www.educause.edu/memdir/cg/policy.html>). This group supports an ongoing electronic discussion of campus IT policy issues. The constituent group Web page archives past discussions, and participants offer advice on specific questions. Members of the constituent group also meet face to face once a year at the EDUCAUSE annual meeting.

Conclusion

The successful development of IT policy for an institution is by no means an easy

task. Many issues break new ground; there are often strongly competing interests; governing laws and regulations may change significantly; and the technologies themselves evolve at a tremendously fast pace. The EDUCAUSE Policy Program offers assistance on an individual level by helping association members discuss and share campus IT policies. But perhaps more important, the EDUCAUSE Policy Program also interprets and influences federal IT policies. Through intelligence, analysis, communication, education, cooperation, and innovative leadership, the EDUCAUSE Policy Program works with and represents members and partners on the federal IT policy issues that are affecting higher education as a whole. In today's world, such an active and flexible policy program is a “must” if higher education is to play a substantial role in the definition of its own future opportunities and constraints in the critical realm of information technology. *e*



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Items with a subject of **Privacy Policies**

See Also: [Family Education Rights and Privacy Act \(FERPA\)](#)

Year	Title
2002	Computer and Network Use Policy
	Columbia University
	VIEW: Abstract HTML
2002	Confidentiality of Records
	University of Alabama in Huntsville
	VIEW: Abstract HTML
2002	Family Education Rights and Privacy Act
	Indiana State University
	VIEW: Abstract HTML

Notes

1. The Coalition for Networked Information (CNI), the Association for Research Libraries (ARL), the Council on Library and Information Resources (CLIR), the American Library Association (ALA), the American Association of Collegiate Registrars and Admissions Officers (AACRAO), the National Association of College and University Business Officers (NACUBO), the Association for Communications Technology Professionals in Higher Education (ACUTA), the National Association of College and University Attorneys (NACUA)
2. The American Council on Education (ACE), the American Association of Universities (AAU), the National Association of State Universities and Land-Grant Colleges (NASULGC), the American Association of State Colleges and Universities (AASCU), the Council of Independent Colleges (CIC), the American Association of Community Colleges (AACC)
3. The Internet Corporation for Assigned Names and Numbers (ICANN), the Information Technology Association of America (ITAA)
4. For the latest version of the grid and for further information, including EDUCAUSE actions and contact names, see <http://www.educause.edu/policy/policy.html>.