

The following resolution was passed at the October 7, 2004 meeting of the Faculty Senate:

Whereas,

- The University of Nebraska at Kearney Information Technology Services has set up an SMS server which has the capability of remotely updating anti-virus and Windows software, but also has the capability to connect remotely and access information on faculty computers,
- The UNK ITS has assured faculty that the *primary purpose* of such remote connections is for security issues on the campus network,
- University of Nebraska Executive Memorandum #16, entitled “Policy for Responsible Use of University Computers and Information Systems,” describes what is considered “Misuse of computers and network systems” as including “b. Accessing without proper authorization computers, software, information or networks to which the University belongs, ...” and “l. Reading other users’ information or files without permission.”
- The UNK ITS web page describing “Computing Use Guidelines” states that “UNK cannot and does not guarantee user privacy. Users should be aware that on occasion duly authorized personnel have authority to access individual user files or data in the process of performing repair or maintenance of equipment....”
- Most, if not all, policies and guidelines concerning institutional computer use refer to the “user” but not the “authorized personnel” nor how authorization is obtained.
- Faculty have legal access to information concerning students and other personnel that should not be available to unauthorized personnel including ITS and college computer staff,
- Faculty do have some rights to privacy within their office, especially with regard to activities associated with their professional responsibilities,
- UNK computers and software are not standardized and include a variety of platforms. As a consequence, any faculty member’s office may include a mixture of personally- and institutionally-owned hardware, software, and data files,
- UNK Faculty Senate has, in the past, recommended that, unless it is an emergency, ITS personnel and college computer staff must give a faculty member 24 hours notice before entering his or her office to perform any technical service on his or her computer

Be it resolved

- The UNK Faculty Senate requests that the use of the SMS server be limited to updates of anti-virus and Windows software for the present time, with the exception of any procedure consented to and/or requested by a user in advance, and

- The UNK Faculty Senate directs the Faculty Welfare and Information Technology Committees to review the issues and prepares a report with policy recommendations to the Faculty Senate by its April 7, 2005 meeting. The report should address the following matters:
 - Who are authorized personnel? Who authorizes these personnel? What is the authorization procedure? Are there different types of authorization?
 - Exactly what are the capabilities of the SMS server and how will it be used when accessing faculty computers?
 - How can a balance be achieved between ITS's need to maintain a functioning network and the need to respect the need of the faculty members to carry out their duties?
 - Exactly where is the line between institutional ownership of equipment, software and information and a faculty member's right to privacy especially with regard to personally-owned equipment or software housed in a UNK office, privileged information, and the need for confidential communications?