

# MEMORANDUM

**To:** Academic Senate  
**From:** Stephen Hess, CIO  
Patricia Hanna, for the Enterprise Web Advisory Council  
**Date:** February 25, 2019  
**Re:** Background on Proposed Revisions to Policy 4-003

**Documents available for review:**

- Cover Memo
- Current Policy 4-003 (2001)
- Proposed Revised Policy 4-003
  - 4-003 Draft Policy Revisions March 2019 (11 pp.)
  - 4-003 Rules and Guidelines Binder March 2019 (32 pp.)
- Redline document showing revisions
- Comparison: Current 4-003 and Proposed Revisions

**This cover memo includes:**

- I. Overview
- II. Consultation Process
- III. Highlights of the 2019 revised policy
  - Table 1. *Map of 4-003 Revisions to Meet University Regulations Architecture Requirements*
  - Table 2. *Map of 4-003 Revisions Combining Policies*
  - Table 3. *Web Sites in Scope of 4-003*

## I. Overview

In Fall 2017, the Enterprise Web Advisory Council (EWAC)<sup>1</sup> asked Patricia Hanna to appoint a small task force to look at web policy 4-003, with the aim of bringing it into the current format used in the University Regulations Library and to account for changes in technology and the use of electronic resources to fulfill the mission of higher education institutions. Paula Millington, Chris Pfeiffer and Paul Burrows formed the core of this task force. David Hill was asked to join the group as the liaison with the Institutional Policy Committee (IPC) at the request of Robert Flores.

The 2019 revision includes updates from lessons learned during 18 years of administering the policy; recommendations from an external assessment of the University web presence (Deloitte); and accommodations for the growth in using web sites and pages to fulfill the University's mission. The

<sup>1</sup> The Enterprise Web Advisory Council comprises representatives working on strategic issues surrounding web page content development, delivery and management from the academic and administrative departments across campus and health sciences. Guided by a holistic web strategy, they subscribe to a future where: visitors experience seamless navigation across our web properties; timely and accurate information is accessible; visitors have a good impression of the U. See <https://uofu.box.com/v/HolisticWebStrategy>

work on the revision uncovered several gaps in current University policy that are beyond the scope of this revision: digital accessibility, web applications and social media services. Resolving those issues will require more research, discussion and coordination with other current and future University policy work. The drafters have revised the policy to allow for the inclusion of future University policy changes and recommendations as they become available.

## **II. Consultation Process**

The revision of policy 4-003 was accomplished over a period of some 20 months: during this process, the task force consulted with a variety of people at the University, and with others within government agencies. The task force spent a good deal of energy in discussion and research with individuals and committees who could assist it with the legal, technical, and policy issues that arise in the course of such a large project. Throughout the process, the task force reported to and consulted with EWAC at its monthly meetings. The following is an overview of how we have proceeded with this task.

- (a) A small writing subgroup was created by EWAC to assist the Task Force in its work. This group was used to help create the drafts which were brought to EWAC for review.
- (b) David Hill, an attorney and clinical professor in the College of Law, was assigned to this project by the Institutional Policy Committee (IPC). He has been involved in every step of the process, including drafting, editing and reviewing. Hereafter, we will use the term “the drafters” to refer to the group consisting of Hanna, Millington, Pfeiffer and Hill.
- (c) Many university groups and individuals were contacted for advice on a specific area of the policy, including, but not limited to, copyright, accessibility, domain name management, security and privacy, faculty concerns about the potential impact on research and teaching, and the Dean of Students on potential impact on student learning. This is a list of these groups and their involvement.
  - 1. EWAC has reviewed the proposed revisions throughout the process. They receive monthly updates on the progress of the proposal, and have an open means of communicating concerns and suggestions outside these meetings.
  - 2. Institutional Policy Committee (IPC) reviewed the policy in early Fall Semester 2018; after reviewing the revisions made to the proposal, they released the proposed revision for faculty review by Academic Senate Advisory Committee on IT (SACIT) and the Strategic Information Technology Committee (SITC).
  - 3. SITC reviewed the proposed revisions, and asked the drafters to consider several matters. After reviewing the responses to these concerns, SITC released the policy to continue in the approval process.
  - 4. SACIT read and commented on two very early versions of the policy in Spring Semester 2018. In October 2018, SACIT was sent the revised proposal and drafters met with the committee to discuss the proposed policy and rules. Suggestions made by SACIT were taken into account. Since the December meeting with the Academic Senate Executive Committee, the drafters have been in regular communication with David Goldenberg, chair of SACIT. This will continue until the Senate approves the policy.
  - 5. The Marriott Library (in consultation with OGC on copyright policy), the Center for Disability and

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Access and OEO have reviewed and approved the policy for further review by the Academic Senate. As questions pertinent to their areas arise, they are contacted by the drafters for suggestions and guidance.

6. The Office of General Counsel (OGC) reviewed various versions of the policy and each rule during the last year and the task force incorporated their feedback. This consultation continues to this day, as the drafters work to navigate any potential legal issues. At this time, the OGC has identified no legal issues which would prevent the revised policy from consideration by the Academic Senate.
7. Stephen Hess, CIO and policy officer has reviewed and endorsed the 2019 revisions. Kenneth Pink, Deputy CIO and policy owner has also given his endorsement. Steve shared the revisions with Daniel Reed, Senior Vice President for Academic Affairs, who agrees with the decision to seek approval of the policy. Steve has also consulted with other CIOs in the PAC12 and research universities in the U.S., as well the Department of Education's Office of Civil Rights and received recommendations from an external assessment conducted by Deloitte.
8. Executive Committee of the Academic Senate (EC) reviewed the proposed revision. The drafters presented highlights and received feedback on January 14, 2019 and February 11, 2019. These interactions with the drafters allowed committee members to become acquainted with the current policy and proposed revisions. In each session, members voted to get information to senators for review as soon as possible.

### III. Highlights of the 2019 Revised Policy

The following provides a general overview of the changes to the current 4-003 as a result of the policy revisions and corresponding rules to guide your review of the revised policy. We also provide a red-lined version of the current policy, but because of the extensive format changes, the typical redline document might not be as useful to senators. In short, the slight variations in content between current and revised versions are almost imperceptible among all of the redlines indicating format changes. For a quick, high-level comparison of the elements in the current version (2001) to the proposed revision (2019) see the document *Comparison: Current 4-003 and Proposed Revisions*. Here are key highlights of the 2019 Revised Policy.

1. Application of the new regulations template. Policy 4-003 was created in 2001 for the Policy and Procedure Manual as PPM 1-16. In 2008, the University changed the architecture of the Regulations Library from the paper-based PPM to a web-based regulations library. Rules, guidelines and procedures were extracted from policies into separate documents for ease of use and to ensure an appropriate level of detail was provided without weighing down the policy itself. The proposed revision follows suit and extracts details from the policy and presents them according to mandate: rules and guidelines. See *Table 1 Map of 4-003 Revisions to Meet University Regulations Architecture Requirements* (at the end of this cover memo) for more information on how the current PPM version of the policy was converted to the new regulation architecture. *Table 2* shows policies that were combined in the revision. For more on the vision

and purpose of changes to the Policy and Procedure Manual/University Regulations Architecture, see <https://regulations.utah.edu/info/backgroundMemo.php>.

2. Clarification of the purpose and scope of the policy. An overriding reason for the institution to govern web sites and pages to any degree is to provide a better experience for our web visitors. As is the case with the current policy, the revision makes a distinction between web sites which are used for official university mission/business and those which are not. The revised policy does not govern personal web sites hosted somewhere other than University web servers. See *Table 3 Web Sites in Scope of 4-003*. Digital accessibility, web applications and social media services are beyond the scope of this revision and will be reviewed for possible inclusion at a later date. See Drafter's Notes following Section IB in the revised policy for details.
3. Accessibility and Accommodation: the parameters of these areas are set by University policy 5-117, ADA Title II, and Federal Rehabilitation Act Section 504. These are all clearly identified, and links are provided in the policy. The treatment of these issues in 4-003 is intended to inform web site owners of the obligations they have under these laws and regulations as it applies to the websites within the scope of 4-003, and to provide links to resources which will help them assure that the websites within the scope of this policy are compliant. More details on how web sites can be made accessible are available in Guideline 4-003A.
4. Guideline 4-00B on Use of Third-Party Web Content Distribution Services, such as social media networking and publishing services. Even though there is no clear University policy on using social media services for distributing official information or course content for the University, publishers should be aware of certain traps to be avoided in using social media. 4-003 Revisions include tips to guide publishers until an official policy or rule is drafted.
5. Rule D: Website registration details have been moved from the Policy to the rule; there is a simple process for registering a website which can be completed on-line.
6. Rule H: Commercial use on Web Sites and Pages has been simplified and clarified. As in 2001, only auxiliary units classified by the Utah State Board of Regents may use web sites for commercial purposes (Campus Store, Stadium, etc.) Under certain circumstances, owners of institutional web sites could request approval for commercial speech and transactions. A provision for an online exception request has been added to the revision.
7. Enforcement (4-003 Section IV): In 2001, the only policy enforcements available were those associated with the misuse of University Information Resources, Policy 4-002. The revision incorporates the 2015 enforcements in Policy 4-004 Information Security Policy. While the University must take swift action on copyright infringements, cybersecurity breaches, ADA discrimination claims and the like, most non-compliance issues with 4-003 can be remediated without drastic enforcement measures.
8. Rule I: E-commerce: this has been simplified and clarified, and promulgates the 2001 restriction of E-commerce to approved institutional sites; in addition, the revision references security policies outlined in 4-004.
9. Security policies are not duplicated from 4-004 into this policy. Instead, key references to the security policy are made as needed in various rules and regulations
10. Role and Responsibility of the University Webmaster. This is clarified and elaborated in the revision. The University Webmaster and Web Resources Team may be a single office or span different offices, such as marketing and IT. The 2019 revisions of the policy specify that the University Webmaster provide support to web site owners. Such support involves services in a

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wide variety of departments across the institution. By creating a single point of responsibility for the support efforts, the University Webmaster can streamline the coordination of expert services such as Office of Disability and Access Services, Information Security Office, Copyright Agent, etc. The office of University Webmaster is crucial in coordinating and connecting all of these services. As in the 2001 policy, content is the responsibility of web site owners and governed by other existing policies, such as those addressing academic freedom. The University Webmaster is not responsible.

11. Domain Name Registration. This is a new section added in the revision. Since 2012, domain name requests have been handled in an ad hoc manner without a published standard or best practice for granting or refusing names. The revision adds a policy and a rule to formalize the process, move it online and allow for an appeal process.
12. Drafter's Note following Section 1B in revised policy. As mentioned, there are known gaps in University policy that are beyond the scope of this policy revision: an overarching University policy on digital accessibility; exclusion of web applications from the scope of 4-003 and University policies governing the use of third-party web content distribution services, such as social media networking and publishing services. See Drafter's note in the revision for details.

**Table 1.**

**Map of 4-003 Revisions to Meet University Regulations Architecture Requirements**

(2008 Regulations Library Initiative to Separating Policy from Rules, Procedures and Guidelines)

For details on Regulation Architecture, see <https://regulations.utah.edu/info/backgroundMemo.php>

Current Policy (approved 2001) PPM 1-16 renumbered to 4-003 in 2008	Proposed Revisions (for June 2019 approval): In New Regulations Template
<ul style="list-style-type: none"> <li>I. Purpose</li> <li>II. Introduction</li> <li>III. References</li> <li>IV. Definitions</li> <li>V. Scope</li> <li>VI. Policies <ul style="list-style-type: none"> <li><b>A. Non-institutional Web Sites</b> <ul style="list-style-type: none"> <li>1. Web site owner responsibilities</li> <li>2. Personal use of University resources</li> <li>3. Academic freedom</li> <li>4. Disclaimer and Contact info</li> <li>5. ADA Compliance</li> <li>6. Design Standard</li> <li>7. Use of University name, mark</li> <li>8. Copyright</li> <li>9. Commercial speech (prohibited)</li> </ul> </li> <li><b>B. Institutional Sites and Pages</b> <ul style="list-style-type: none"> <li>1. Use of University resources</li> <li>2. Copyright – University, DMCA</li> <li>3. Accessibility</li> <li>4. Disclaimers</li> <li>5. Use of University Name, marks, etc.</li> <li>6. Privacy</li> <li>7. Commercial use (exceptions)</li> <li>8. University Portals</li> <li>9. Electronic Commerce</li> <li>10. Web site registration</li> </ul> </li> <li><b>C. Webmaster Roles &amp; Responsibilities</b></li> <li><b>D. Design Standards</b></li> </ul> </li> <li>VII. Enforcement</li> <li>VIII. Contacts</li> <li>IX. History</li> </ul>	<ul style="list-style-type: none"> <li>I. Purpose and Scope</li> <li>II. Definitions</li> <li>III. Policy <ul style="list-style-type: none"> <li>A. <b>Accessibility</b> (details moved to Guideline)</li> <li>B. <b>Academic Freedom</b></li> <li>C. <b>Copyright</b></li> <li>D. <b>Web Site Registration</b></li> <li>E. <b>Domain Name Governance</b> (✓ New)</li> <li>F. <b>Privacy</b></li> <li>G. <b>Design Standards</b></li> <li>H. <b>Commercial Use</b></li> <li>I. <b>Web E-Commerce</b></li> <li>J. <b>University Webmaster Responsibilities</b></li> <li>K. <b>Web Site Owner’s Responsibilities</b></li> <li>L. <b>University Portals</b></li> </ul> </li> <li>IV. Enforcement</li> <li>V. Rules, Procedures, Guidelines <ul style="list-style-type: none"> <li>• Guideline 4-003A: Implementing Web Site Accessibility</li> <li>• Rule 4-003B: Online Copyright Infringements, Protection and Remedies</li> <li>• Rule 4-003C: Responsibilities and Authority of University Webmaster</li> <li>• Rule 4-003D: Web Site Registration</li> <li>• Rule 4-003E: Domain Name Service Request</li> <li>• Rule 4-003F: Privacy Statement and Responsibilities</li> <li>• Rule 4-003G: Design Minimum Requirements</li> <li>• Rule 4-003H: Commercial Speech and Use on Websites, Pages and Portals</li> <li>• Rule 4-003I: Web Electronic Commerce</li> </ul> </li> <li>VI. References</li> <li>VII. Contacts</li> <li>VIII. History</li> </ul>

## One-to-One Policy Mappings

Most elements under the policy section in the current version have obvious mappings to the proposed version:

- academic freedom
- copyright
- web site registration
- privacy
- commercial speech/use
- electronic commerce
- University webmaster roles and responsibilities
- University portals.

Some policy elements were best served in being combined in the new structure to meet the objectives of separating policy from rules, procedures and guidelines. The following table clarifies those mappings.

**Table 2.** Map of 4-003 Revisions Combining Policies

These policies in the current (2001) policy...	... Map to this proposed structure
Web Site Owner Responsibilities (VI.A.1) Personal Use of Web Site Owner Responsibilities (VI.A.2) Use of University resources (VI.B.1) Webmaster roles and responsibilities (VI.C)	Web Site Owner Responsibilities (III.K)
ADA Compliance (VI.A.5) Accessibility (VI.B.3)	Accessibility (III.A) • Guideline 4-003A: Implementing Web Site Accessibility
Design Standard (VI.A.6) Design Standards (VI.D)Disclaimer and contact info (VI.A.4 ) Disclaimers (VI.B.4) Use of University name, marks, etc. (VI.A.7) Use of University Name, marks, etc. (VI.B.5)	Design Standards (III.G) • Rule 4-003G: Design Minimum Requirements
	<i>NEW</i> Domain Name Governance (III.E) • Rule 4-003E: Domain Name Service Request

## Policy Scope of Coverage

Policy 4-003 covers web sites with these attributes:

- institutional web sites regardless of where they are hosted
- non-institutional sites that are hosted on University (or contracted) servers

Policy 4-003 does NOT cover web sites with these attributes:

- non-institutional web sites that are NOT hosted on University servers

Table 3 Policy 4-003 Web Sites in Scope:  
Determined by web site purpose and hosting location

Purpose/Use	Hosting location	
	Hosted on university owned or contracted servers	Hosted by external parties
Official academic, research, and/or administrative programs	Institutional	Institutional
Faculty pages for teaching, research, professional activities	Institutional	Institutional
Student organizations classified as sponsored	Institutional	Institutional
Outside the defined scope of institutional web site	Non-institutional	Outside the scope of the policy
Personal pages of faculty, staff, and students	Non-institutional	Outside the scope of the policy
Student organizations classified as affiliated or registered	Non-institutional	Outside the scope of the policy
Non-University organizations hosted as a courtesy or service	Non-institutional	Does not apply