

# NYUFSC

## Faculty Senators Council

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2/19/13

### MEMORANDUM

**TO:** Bonnie Brier, Senior Vice President

**FROM:** Ted Magder  
Chairperson, Faculty Senators Council  
A/Y 2012-2013

**RE:** Faculty Senators Council Review:  
Draft of Electronic Communications and Social Media Policy

**CC:** Carol Morrow, Associate Provost  
Marie Monaco, FSC Vice Chairperson and Tenure Modifications Committee Chair  
Mary Ann Jones, FSC Secretary  
Molly Nolan, FSC Personnel and Affirmative Action Committee Chair

Date: February 14, 2013

Re: Draft of Electronic Communications and Social Media Policy

The Faculty Senators Council (FSC) has reviewed the draft of the Electronic Communications and Social Media Policy and found it problematic in numerous respects. Rather than review it line by line, we will indicate our main areas of concern below. We recommend that additional experts in social media policy and law from both within and outside the University be consulted; for example, someone such as Helen Nissenbaum might be appropriate. We further recommend that social media policies from other universities be considered as possible templates. Harvard has a well-developed one, as does Washington State University.

The FSC also recommends the creation of a deliberative taskforce that involves other members of the community, including students and administrators, to address the concerns outlined below and any other concerns raised. We would expect the FSC would also have an opportunity to review subsequent drafts of this policy.

The main concerns articulated by the FSC:

1. The draft contains no statement about academic freedom or about the free speech and other legal rights of NYU employees and students, with citations to the pertinent documents or legal precedent, as other university's policies have done. Nor does it clarify that employees have a right to express policies different from or critical of their employer, as the NLRB has stipulated.
2. The motivation for and concerns behind the drafting of this policy are unclear. Why is it being proposed now? Of what benefits and risks of electronic communications does the university feel it needs to make people aware?
3. The scope of the proposed policy is very broad and ill-defined, and exactly who and what falls under its purview is not clearly specified. Many definitions are murky and seem arbitrary. For example, what constitutes an NYU network or group? What is a mass e-mailing? Why does the University community include volunteers and what legal authority does the University have over them? What constitutes an NYU blog?
4. It is unclear whether NYU is claiming the right to monitor only emails sent from an NYU computer using an NYU email account, or anything sent from an NYU email address from any computer, or any email from whatever address sent from an NYU computer.
5. The section on Enforcement does not indicate which bodies will decide whether an electronic communications policy has been violated, whether those bodies are to be elected or ad hoc, and (especially) what appeals procedures are available to employees and students in the case of an alleged violation of the policy.

6. Does this policy set a precedent for non-electronic communications, and is there a parallel university policy for non-electronic communications? For example, must the Office of Public Affairs be notified only if a person is contacted by the media about an Institutional Social Media Account, as section III d suggests, or for any instance in which NYU's name is used as an identifier, as section II c implies.