INDIANA UNIVERSITY

Use of Cloud Services in Instruction

social networks | blogs | wikis | other third-party hosted tools

Risks exist when university information is stored using tools not provided or contracted by IU. Most instructional situations face these three most significant risks:

1

Critical information
Information classified as "critical" may not be stored in any third-party tool without the university entering into a contract with the vendor.

2

FERPA
Student records protected by FERPA (Family Educational Records Privacy Act) may not be stored in any third-party tool without the university entering into a contract with the vendor.

3

Intellectual Property
Ensure any and all content owners grant permission and express appropriate intent before any intellectual property is given away.

See reverse side for more detailed information regarding each of these three risks.

1. Critical Information

Indiana University has a data classification scheme, which identifies the sensitive information elements that require the very highest level of security protection. Those elements are:

- *Social Security numbers*
- *Credit/debit card numbers*
- *Foundation donor data*
- *Driver's license numbers*
- *State ID card numbers*

- *Bank account/financial account numbers*
- *Student loan information*
- *Protected health information*
- *Individually identifiable health information*
- *Passphrases/passwords, PINs, access codes*

If the pedagogical objectives of the course require an instructor or students to enter this type of information into the third-party tool, then **do not use it** before working through appropriate institutional offices to get a contract with the service. Fortunately, very few instructional activities will require the use of these sensitive information elements, so the vast majority of instructors can move on to…

2. Data protected by FERPA

The Family Educational Rights and Privacy Act (FERPA) does not prohibit instructors from having students use third-party tools as part of the course activities. While content created by students when using such tools to fulfill course requirements (e.g., creating blogs on WordPress or posting videos to YouTube) does not constitute a "student education record" under FERPA, copies of such records maintained by an instructor for their own files do.

If the pedagogical objectives of the course require an instructor or students to enter this type of information into the third-party tool, then **do not use it** before working through appropriate institutional offices to get a contract with the service.

In most instructional situations, the use of the third-party tool is by the students only; for example, the students post to Twitter or work on collaborative projects with fellow classmates using Google Docs. It may take a few moments of thinking, but the instructor can usually figure out a way to maintain their FERPA-covered records on institutionally provided tools, and your campus Teaching and Learning Center stands ready to assist if needed. This allows a majority of instructors to move on to...

3. Intellectual Property

Many materials used in instruction are protected by copyright law, and, Indiana University has an Intellectual Property Policy that outlines who owns the rights to various types of materials created or used in support of IU's missions. Are instructors and students entitled to give these rights to a third-party tool? If so, do they **want** to give away these rights? Review the Terms of Service or Terms of Use of the third-party tool and ask the following questions:

A. *Does the service provider claim any rights to use content created or uploaded to the tool? Typically, the service provider at least claims a license to copy, adapt and share content as needed to enable the user to access and use the tool. If the license exceeds this limited scope, then ensure that the owner of the rights in the content agrees to the scope of the license.*

B. *Under the university's Intellectual Property Policy, who owns the rights in and to content that is created or uploaded to the tool?*
   - *Does the university own the rights?*
   - *Does the individual instructor or student own the rights?*

Be sure to also ensure use of other copyrighted materials incorporated into course content complies with applicable copyright law, and instruct students to do the same.

Finally, it's a good idea to communicate your plans to use these tools by indicating this in the syllabus.