



**Administrative Policy Group
Official Meeting Minutes
Wednesday, November 17, 2021
3:00 – 3:55 p.m.
Co-Chairs: Michael Horan & Wole Soboyejo**

Attendees:

APG Members: David Bunis; Philip Clay; Raghvendra Cowlagi; Maureen Deiana; Joseph Fehribach; Dana Harmon; Mike Horan; Amy Morton; Patty Patria; Wole Soboyejo; and Donna Stock.

Guests: Matt Thaler (Deputy General Counsel); Erin Silva (Office of the General Counsel); Jillian McLeod (Fellow at American Council on Education)

Minutes:

1. Approval of September 29, 2021 Meeting Minutes

Mike Horan called for a vote to approve the September 29, 2021 meeting minutes.

Prof. Fehribach and Cowlagi; Maureen Deiana and Dana Harmon abstained; all other APG members present voted to approve the meeting minutes.

2. Discussion of the APG in the NECHE Final Report

Mr. Horan mentioned that the APG and the [APG Process](#) received high praise in the New England Commission for Higher Education (NECHE) Accreditation Report, which is the accreditation process that occurs every 10 years. Specifically, Mr. Horan mentioned that the NECHE Accreditation Report stated that “[b]y having such a process, which did not previously exist at WPI, the university is aligned with policymaking best practice.” Mr. Horan thanked the members of the APG for their work in this important area and viewed the positive mention of the APG in the NECHE Accreditation Report as an acknowledgement of its value to WPI.

3. Discussion of Amendments to the Access to User Electronic Information Policy

Ms. Patria presented a read-out of the first meeting of the Oversight Committee (OC), which occurred on August 4, 2021. She reminded the APG that the OC is mandated by the [Access to User Electronic Information Policy](#) and is comprised of a faculty representative and administrative staff. The charge of the OC, as described in the policy, is to “make recommendations to the Administrative Policy Group as to the implementation of this policy



and possible amendments. The Oversight Committee shall also make periodic public reports on the implementation of this policy.” Ms. Patria then briefly summarized the OC’s August 4, 2021 recommendations for amendments to the policy.

Mr. Thaler then provided a reminder of the legislative history of the policy. Specifically, that the policy was shared with, discussed, and commented on by members of the Committee on Information Technology Policy (CITP) prior to it being presented to the APG on April 13, 2020 and that it was “blessed” by CITP before it went before the APG. It also underwent the 30-day comment period before it was recommended for approval to President Leshin and, ultimately, approved by President Leshin on September 18, 2020. Mr. Thaler clarified that this policy is back before the APG because some of the suggested amendments from the OC would be considered more than “minor revisions” (as defined in the [APG Process](#)) that would require approval from the APG and President Leshin.

Prof. Cowlagi disagreed with Mr. Thaler’s perspective that CITP “blessed” the current version of the policy. Prof. Cowlagi believes that it was discussed but never formally approved by CITP. In response, Mr. Thaler referred to an April 24, 2020 email written by the CITP member with whom he was collaborating at the time as evidence that Mr. Thaler, on behalf of the APG, had revised the draft policy to address all of CITP’s concerns.¹

Mr. Thaler screen-shared a draft of the policy that included the OC’s recommended amendments and he reviewed those amendments with the APG. Mr. Thaler then offered a friendly amendment to the recommendations offered by the OC. Specifically, Mr. Thaler suggested striking the recommended addition of the defined term “legal hold” and striking mention of “legal hold” in the policy all together. Mr. Thaler explained that a “legal hold” is simply a mechanism Information Technology utilizes to ensure that a particular user is not able to delete emails or electronic files associated with their emails. Mr. Thaler further explained that “legal holds” are not requests for accessing User Electronic Information (as that term is defined in the policy). Rather, “legal holds” are a preservation mechanism, oftentimes associated with a litigation or confidential law enforcement matter. If the material subject to a “legal hold” must be accessed, that access request would, then, trigger application of the policy. There was consensus by the APG that removal of the term “legal hold” in the policy was appropriate.

Prof. Cowlagi asked whether “legal hold” and “access” were distinct. For the reasons previously stated, Mr. Thaler responded that those concepts are distinct. Prof. Cowlagi also asked about how APG views its collaboration with CITP. Provost Soboyejo responded that APG will continue to collaborate with CITP and will continue discussions related to the policy with CITP but that CITP’s formal vote of approval was not required for the APG to move forward.

¹ The April 24, 2020 email from the CITP member stated, in part: “I agree that this document meets all the previously-expressed CITP concerns. It additionally addresses all of my own concerns. I will now advocate for its passage at CITP’s meeting next week. While I cannot guarantee it will pass unmodified, I am prepared to defend each of its provisions. I am thrilled to be in a position where I can say that.”



Mr. Bunis sought clarification about CITP's concerns and whether CITP was seeking to review the entire policy anew or whether they were prepared to comment on the limited OC-recommended amendments. Prof. Cowlagi stated that his belief is that there were CITP members that did not review the policy, or pay close attention to it, because it was during the height of the pandemic. Prof. Cowlagi further stated that we should ensure that, because of the importance of this policy, all voices should be heard.

Mr. Bunis stated that the APG welcomes the collaboration with CITP and this type of discussion. He also recommended that the focus, at this time, should only be on the OC's recommended amendments and that all other comments or questions from CITP should be addressed at a later time. Prof. Cowlagi stated that he will consolidate CITP's comments and questions on the current approved policy and he believes Mr. Thaler would be in the best position to parse through what are "new" comments versus what are comments related to the limited recommendations by OC (keeping in mind Mr. Thaler's earlier friendly amendment to strike mention of the term "legal hold" from the policy). The consensus of the APG was that this approach made sense. Mr. Thaler and Prof. Cowlagi agreed to coordinate on this review.

Mr. Horan recommended that, at a later date, the APG consider clarifying the [APG Process](#) to ensure that recently-approved policies are in force for a sufficient period of time before being brought back to the APG for amendment (unless, for example, legal or regulatory reasons mandate that the policy be amended sooner).

The meeting was adjourned at 3:55pm.

David A. Bunis
Secretary, Administrative Policy Group