

Policy Number: AA033EN

Issue Date: 22 Aug 2018

1. PURPOSE

This policy provides notice of compliance with The European Union's General Data Protection Regulation (GDPR) of ARC-administered learning systems and survey tools, and copyright guidelines for Blackboard™.

2. WHO IS AFFECTED BY THIS POLICY

Students, faculty and staff users of the Blackboard™ LMS, and creators, respondents, participants in campus surveys, and those who use the data collected (e.g., IR).

3. LEGAL CONTEXT OR REGULATORY BODY

The European Commission, CNIL, U.S. Department of Commerce, U.S. Copyright Law (The Copyright Act 17 U.S.C. § 10), Centre Français d'Exploitation du Droit de Copie (CFC)

4. GDPR POLICY STATEMENTS

a. Compliance Notice for SurveyMonkey: SurveyMonkey is certified under and complies with both the EU-US and Swiss-US Privacy Shield programs ([privacyshield.gov](http://privacyshield.gov)), which legalize the collection, use, transfer, and retention of personal data from Europe to the United States. For more details, review the Privacy Shield section of [Privacy Policy](#) and [Privacy Shield Certification](#). Information on SurveyMonkey's compliance with GDPR regulations:

<https://www.surveymonkey.com/mp/gdpr/>. Additional information:

[https://help.surveymonkey.com/articles/en\\_US/kb/SurveyMonkey-Data-Transfers-and-EU-Laws?bc=Your\\_Data](https://help.surveymonkey.com/articles/en_US/kb/SurveyMonkey-Data-Transfers-and-EU-Laws?bc=Your_Data).

Original Certification Date: 10/12/2016; Next Certification Due Date: 11/16/2018; EU-U.S. Privacy Shield Framework Status: Active

b. Compliance Notice for Blackboard™ LMS: Blackboard is Privacy Shield certified, a signatory of the Student Privacy Pledge and a member of the Future of Privacy Forum. Blackboard complies with the EU-US Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information received from the European Union. Blackboard and its affiliates have certified that they adhere to the Privacy Shield principles of notice, choice, accountability for onward transfer, security, data integrity and purpose limitation, access, and recourse, enforcement and liability ("Principles"). If there is any conflict between the policies in this Statement and the Privacy Shield Principles, the Principles shall govern. To learn more about Privacy Shield, please visit the U.S. Department of Commerce Privacy Shield website: <https://www.privacyshield.gov/>. For more information regarding Privacy Shield certification, please see: <https://www.privacyshield.gov/participant?id=a2zt000000TOD9AAO> and <http://www.blackboard.com/legal/gdpr.html>. Original Certification Date: 12/20/2016; Next Certification Due Date: 1/3/2019; EU-U.S. Privacy Shield Framework Status: Active

5. COPYRIGHT AND BLACKBOARD (for full information on copyright, please consult with the AUP Library)

a. Copyright and Fair Use on the Blackboard™ LMS: At AUP, we must comply with both U.S. and French laws meant to protect intellectual property and authors' rights. In addition, there may be changes based upon the modernization of copyright in the EU.

b. Posting an item on a password-protected site like Blackboard does not exempt a faculty member from his or her responsibility to adhere to copyright law. Faculty must include the proper attributions and citations for all posted materials and are responsible for securing permissions when necessary. For assistance, please contact the AUP Library.

c. U.S. copyright law allows for portions of copyrighted works to be used for the purposes of teaching, scholarship and research (e.g., "Fair Use" and "Teach Act" doctrines) without seeking permission. No more than 10 % of a work can be posted. It is the responsibility of the faculty to comply with Fair Use parameters and to abide by institutional guidelines.

- d. Date limits and selective availability are tools faculty can use in order to restrict the length of access to copyrighted materials posted on Blackboard for students' use. Since Blackboard course sites are Web-based, it is not possible to prevent students from making copies. Therefore, copyrighted material should be made available (using the availability option in Blackboard) for no more than a 15-day period. See ARC if you do not know how to set these parameters.
- e. Blackboard access is password-protected, and limited to students and faculty who are duly registered and enrolled on the sites. Students do not have access to course materials once the course is completed (except by special permission).
- f. If using Web content and/or material from AUP Library databases, please link directly to that content, rather than copy/pasting the text on Blackboard. If linking to a website is not possible, faculty should consider adding the material to e-reserves and posting a link to the e-reserve material on Blackboard. For questions related to e-reserves and electronic links, please contact the AUP Library.
- g. Plagiarism-tracking software has been implemented, with the endorsement of the Faculty Senate and the Student Government, as part of the President's Task Force on Academic Integrity and Excellence. The ARC Director can show faculty how to use this tool.
- h. The Writing Lab provides student workshops and tutoring, helping to explain the proper attribution of others' works, citation formats, and the consequences of cheating and plagiarism.

## 6. RESPONSIBILITIES

Students, faculty and staff are responsible for including the proper attributions and citations for all posted materials, as well as for all assignments, papers and exams submitted (see AUP Academic Integrity Policies). Faculty are responsible for seeking permissions for the use of copyrighted works, and for complying with regulations pertaining to the educational use of materials. For surveys, all creators, respondents and participants in campus surveys, and members of staff or faculty who use or share the data collected.

## 7. DEFINITIONS

- a. GDPR: General Data Protection Regulation
- b. LMS: Learning Management System
- c. English French glossary on data protection (<https://www.cnil.fr/en/english-french-glossary-data-protection>)

## 8. APPROVALS & HISTORY

This is an updated policy (original document on SurveyMonkey and Blackboard was published in 2010, along with the Library's copyright information, and the ITS Acceptable Use Policy; this is still on the Web).

## 9. ISSUING OFFICE AND CONTACT

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