

Modesto Junior College
Academic Senate
Resolution FL06-H
YCCD E-Mail Disclaimer Notification

Proposed by: Senate Executive Board

Whereas: A key tenet behind the notion of academic freedom holds that a faculty member should be free to communicate – whether in writing, by phone, in person, or other modes of communication – as the faculty member, in his or her academic and professional judgment, deems appropriate, without being encumbered by additional verbiage appended in such a way so as to appear as if the faculty member authored that verbiage; and

Whereas: E-mail has become an essential tool for instructor/student communication; and

Whereas: The legalistic tone of the current e-mail “Confidentiality Notice” threatens, intimidates, and otherwise frightens recipients, particularly student sat developmental levels, many of whom have had experience at the receiving end of the legal and penal systems and who are attending YCCD’s colleges precisely to improve their lives by distancing themselves from that environment, and who may not possess the sophistication needed to decode such language; and

Whereas: An important part of YCCD’s mission statement is to serve students just described above: “particular attention is given to serve students with special needs”; and

Whereas: The faculty member, as a matter of academic and professional freedom, must be solely responsible for setting the tone in any communication he or she authors; and

Whereas: The Confidentiality Notice happens covertly “behind the scenes” in that it is attached after the fact, as it is sent to the recipient, without the author seeing it, in such a way that it tends surreptitiously to remove from the author’s mind any thought about the confusion it might cause the recipient; and

Whereas: The following sentence in the Confidentiality Notice reads, “if you are not the intended recipient of this message you are hereby notified that any review, dissemination, distribution or copying of this message is strictly prohibited,” and although this statement in fact allows for distribution, it is legally worded in such

a way that recipients (e.g. the *Modesto Bee*, *Modesto View*, and *Stanislaus Connections*) who are asked to distribute announcements to poetry readings, community lectures, and other important campus activities, may hesitate in doing so, thus negating the author's intent in writing the e-mail in the first place and defeating an important benefit of electronic communication; and

Whereas: The confidentiality Notice would appear to be necessary in only the barest few of e-mails that are indeed confidential in nature, yet the notice attaches to every e-mail that leaves the YCCD network, a solution that seems akin to swatting a mosquito with a hammer; and

Whereas: The technology exists to make such notices optional by using the signature feature in Outlook, depending on a specific situational need as determined by the author; and

Whereas: The implementation of the Confidentiality Notice took place suddenly and without going through the share governance process.

Therefore: Be it resolved, that the Confidentiality Notice be removed from e-mails leaving the YCCD network; and

Therefore: Be it further resolved, that future implementation of a confidentiality notice be taken up by committee, go through the shared governance process, and be voted on and agreed to by the respective academic senates at MJC and Columbia College.

First Reading:

Final Action:

Disposition: Failed, due to lack of action