

**UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION  
Item for Information**

**Subject: Faculty Governance Update**

One of the greatest challenges facing American universities and colleges as well as nearly all other constituencies within contemporary society is that of ensuring privacy in the electronic era. In higher education the Family Educational Rights and Privacy Act of 1974 (FERPA) affords some security, but primarily for student records. The Electronic Communications Privacy Act (ECPA) was passed in 1986 to expand and revise federal wiretapping and electronic eavesdropping provisions. At the University of Michigan privacy of communications, such as email, and digitally stored data such as faculty, student, employee and patient records are a major challenge. Electronic privacy will be the theme of the twenty-sixth University of Michigan Senate's Annual Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom. Marc Rotenberg, President and Executive Director of the Electronic Privacy Information Center (EPIC) in Washington, DC. and Professor of Law at Georgetown Law will deliver the lecture on October 13, 2016, in the Hutchins Hall, Honigman Auditorium. Rotenberg is a distinguished legal scholar and one of the nation's leading authorities on electronic privacy. He is the recipient of the World

Technology Award in Law, the American Lawyer Award for Top Lawyers Under 45, the Norbert Weiner Award for Social and Professional Responsibility, and the Vicennial medal from Georgetown University for distinguished service. He was named one of the top lawyers in America in 2014 by Law dragon.

The annual lectures make up the longest, continuous series of lectures on academic freedom at any institution of higher learning in the United States. The University's Senate Assembly established the annual lecture in 1990 and named it after three former faculty members with a resolution that expressed deep regret for "the failure of the University Community to protect the values of intellectual freedom" in 1954 when the three experienced persecution after appearing before a subcommittee of the House Committee on Un-American Activities. The Senate's resolution stated that "The protection of academic and intellectual freedoms requires a constant reminder of their value and vulnerability. To provide for that reminder, the Faculty of the University of Michigan hereby resolves to establish an Annual Senate Lecture on Academic and on Intellectual Freedom"

Each year for the past twenty-five years distinguished scholars have delivered the annual lecture. In 1991 Robert M. O'Neil, Professor of Law and Founding Director of the Thomas Jefferson Center for the Protection of Free Expression at the University of Virginia delivered the first lecture. In October of 2015, to celebrate the 25th anniversary of the lecture series, Natalie Zemon Davis, Princeton University's Henry Charles Lea Professor of History Emerita, and Joan Wallach Scott, Institute for Advanced Study, School of Social Science Professor Emerita, lectured in a major symposium entitled "Fragility of Our Freedoms". Other lecturers have included Vartan Gregorian (2001), President of the Carnegie Corporation of New York, Noam Chomsky (2004), Professor of Linguistics and Philosophy at the

Massachusetts Institute of Technology, Bill Keller (2006), Executive Editor at The New York Times, Cass R. Sunstein (2008), Felix Frankfurter Professor of Law at the Harvard Law School, Michael A. Olivas (2010), William B. Bates Distinguished Chair in Law and Director of the Institute for Higher Education Law and Governance at the University of Houston Law Center, Ellen W. Schrecker (2011), Professor of History at Yeshiva University, Robert C. Post (2012), Dean and Sol & Lillian Goldman Professor of Law at the Yale Law School, and Douglas Laycock (2014), the Robert E. Scott Distinguished Professor of Law and Professor of Religious Studies at the University of Virginia School of Law.

Submitted: September 2016

A handwritten signature in black ink, appearing to read "T E Schneider". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

(T E Schneider on behalf of SACUA)