

## **AP 3720 Computer and Network Use**

**References:** 17 U.S. Code Sections 101 et seq.; Penal Code Section 502,  
Cal. Const., Art. 1 Section 1; Government Code Section 3543.1(b);  
Title 5, Section 51023;  
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

The District Computer and Network systems are the sole property of San Luis Obispo County Community College District. They may not be used by any person without the proper authorization of the District. The Computer and Network systems are for District instructional and work-related purposes only.

This procedure applies to all District students, faculty, staff, employees and to others granted use of District information resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching, or other purposes.

### **Conditions of Use**

Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines, or restrictions.

### **Privacy Interests**

The District recognizes the privacy interests of faculty, staff and students and their rights to freedom of speech, collegial consultation, and academic freedom, as well as their rights to engage in protected union and concerted activity. However, both the nature of electronic communication and the public character of District business make electronic communication less private than many users anticipate, and may be subject to public disclosure. In addition, the District Network can be subject to authorized and unauthorized access by both internal and external users. The District shall monitor the network for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system. For these reasons, there are virtually no online activities or services that guarantee an absolute right of privacy, and therefore the District Network is not to be relied upon as confidential or private.

### **Bargaining Units**

This procedure does not supersede conditions set forth in negotiated agreements with District bargaining units.

### **Academic Freedom**

Users of these systems have rights that may be protected by federal, state, and local laws. This procedure shall not be interpreted in a manner which would abrogate any provision of Title 5, Section 51023.

The District holds that freedom of speech, academic freedom, and shared governance inform our use of electronic communications. This policy reflects the District's firm commitment to these principles within the context of the District's legal obligations. The District also reaffirms the public's constitutional and statutory right to review and obtain public records, subject to exceptions authorized by law.

### **Legal Process**

This procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of these policies will be subject to disciplinary action up to and including but not limited to loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; or civil or criminal legal action. Any disciplinary action will be in accordance with Collective Bargaining Agreements, Board Policy / Administrative Procedure 5520, Student Discipline, state and federal laws.

### **Copyrights and License**

Computer users must respect copyrights and licenses to software and other on-line information.

**Copying** - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

**Number of Simultaneous Users** - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

**Copyrights** - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

### **Integrity of Information Resources**

Computer users must respect the integrity of computer-based information resources.

**Modification or Removal of Equipment** - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.

**Unauthorized Use** - Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

**Unauthorized Programs** - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

**Unauthorized Access** - Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

**Abuse of Computing Privileges** - Users of District information resources must not access computers, computer software, computer data, or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

**Reporting Problems** - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

**Password Protection** - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator.

**Usage** - Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

**Unlawful Messages** - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

**Commercial Usage** - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions (see Commercial Use, below). Some public discussion groups have been designated for selling items by the Vice President, Administrative Services and may be used appropriately, according to the stated purpose of the group(s).

**Information Belonging to Others** - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

**Rights of Individuals** - Users must not release any individual's (student, faculty, or staff) personal information to anyone without proper authorization.

**User identification** - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

**Political, Personal, and Commercial Use** - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.

**Political Use** - District information resources must not be used for partisan political activities where prohibited by federal, state, or other applicable laws.

**Personal Use** - District information resources should not be used for personal activities not related to District functions, except in a purely incidental manner. Examples of purely incidental manner may include, but are not limited to: checking weather, news, or personal email. If the District otherwise grants access to the District's email system for personal use, employees may use the District's email system to engage in protected concerted activity during non-work time.

Employees may use District telephones, email, and other electronic resources for incidental personal purposes, provided that, in addition to following the provisions herein, such use does not directly interfere with the normal performance of duties, or with the normal operation of the District.

Employees may use the District's email system to engage in concerted protected activity and union activity during non-work time.

**Commercial Use** - District information resources should not be used for commercial purposes. Users also are reminded that the ".cc" and ".edu" domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not authorized within those domains.

### **Nondiscrimination**

All users have the right to be free from any conduct connected with the use of San Luis Obispo County Community College District network and computer resources which discriminates against any person on the basis of any characteristics or memberships as listed in Board Policy 3410. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

### **Disclosure**

**Possibility of Disclosure** - Users must be aware of the possibility of unintended disclosure of communications.

**Retrieval** - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

**Public Records** - The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of "public record" and nonexempt communications made on the District network or computers must be disclosed if requested by a member of the public.

**Litigation** - Computer transmissions and electronically stored information may be discoverable in litigation.

### **Dissemination and User Acknowledgment**

All users shall be provided copies of these procedures and be directed to familiarize themselves with them.

A "pop-up" screen addressing the e-mail portions of these procedures shall be installed on all e-mail systems. The "pop-up" screen shall appear prior to accessing the e-mail network. Users shall sign and date the acknowledgment and waiver included in this procedure stating that they have read and understand this procedure, and will comply with it. This acknowledgment and waiver shall be in the form as follows:

**Computer and Network Use Agreement (Sample Language)**

I have received and read a copy of the District Computer and Network Use Procedures and this Agreement dated, \_\_\_\_\_, and recognize and understand the guidelines. I agree to abide by the standards set in the Procedures for the duration of my employment or enrollment. I am aware that violations of this Computer and Network Usage Procedure may subject me to disciplinary action, including but not limited to revocation of my network account up to and including prosecution for violation of State or Federal law.

Approved: 8/06/2008  
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