

## AP 3720 Computer and Network Use

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

The District Computer and Network systems are the sole property of Imperial Valley College (the district), and 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, and staff 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 and/or restrictions.

### **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 as provided in relevant employment agreements.

### **Copyrights and Licenses**

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, unless they have received 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, beyond those needed to perform the work of the District; running grossly inefficient programs when efficient alternatives have been provided by the District; modifying without proper authorization system facilities, operating systems, or disk partitions; or attempting to crash or attack a District system or District computers.

### **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 should take appropriate, reasonable measures to 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 intentional, malicious use of any unauthorized or destructive program will result in disciplinary action as provided in relevant employment agreements, 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. Additionally, 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. Users who abuse these privileges and/or these procedures may lose their access and be subject to disciplinary action.

### **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 who intend to use this information for fraudulent, malicious or illegal purposes and the computer user knew or should have reasonably known of that person's intent.

### **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.

### **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, and staff) personal information except in the circumstances allowed under law or contract.

### **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 that interfere in any way with the use of District information resources for official district business.

#### **Commercial Use**

Electronic communication facilities may not be used to transmit commercial advertisements, solicitations, or promotions, with the exception of commercial activities that are for the exclusive and sole benefit of the District, officially sanctioned student groups or clubs, or the Imperial Valley College Foundation. Further, District employees may use the District intranet to transmit to other District employees materials of a commercial nature as long as those employees have expressed a direct interest in said materials and as long as transmission of said materials does not interfere in any way with the use of District information resources for official District business. 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 appropriate within those domains.

### **Nondiscrimination**

All users have the right to be free from any conduct connected with the use of the Imperial Valley College network and computer resources which discriminates against any person on the basis of national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, gender preference, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. 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 legally defined as defamatory or obscene, or which constitutes the unauthorized release of confidential information.

### **Disclosure**

No Expectation of Privacy - The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

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 and computer must be disclosed if requested by a member of the public.

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

**Overtime**

Prior approval required. The Fair Labor Standards Act (FLSA) requires that each employee be paid appropriately for eligible overtime hours worked. These provisions do not apply to employees who are exempt from overtime compensation.

No time spent in any activity on the District's computer and network systems, including electronic communications systems, for the benefit of the District may be done outside of the employee's scheduled work hours without advance approval from his or her supervisor. In an emergency, an employee may perform the work but must notify the supervisor as soon as possible and by the end of that same day. If the supervisor denies a request to work overtime, then the employee must obey that directive.

**Dissemination and User Acknowledgment**

All users shall be provided copies of these procedures and be directed to familiarize themselves with them. A signed copy of the Use Agreement, or an electronic equivalent, will be used to document acceptance.

**Revised March 14, 2011**

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

### **Computer and Electronic Communication Systems Use Agreement**

I have been provided with, and have read District Administrative Procedure 3720, Computer and Network Use. I agree to comply with the provisions of Administrative Procedure 3720 regarding the use of the District's computer and electronic communications systems, and by any future terms and conditions of the procedure that may be developed.

I understand that District computer and electronic communications systems components, devices, and services are the property of the District and that access to the District's computer and electronic communications systems is a privilege that may be revoked or restricted at any time without prior notice and without consent of the user.

I also understand that because of the nature of electronic communications and the public character of the District's business, there is no expectation of privacy or confidentiality in the content of electronic communications or computer files sent and received on the District's computer or electronic communications systems or stored in the users' directories, and that the District reserves the right to inspect, monitor, or disclose electronic communications at any time without prior notice and without the consent of the user.

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Signature

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Date

### **See BP3720 Computer and Network Use**

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First Adoption: 6/17/09 Resolution No. 14380

Shared Governance: Policies and Procedures 12/8, 2010, College Council 2/28/11

Approved by Board of Trustees: 3/14/11