



Board Policy 713 Acceptable Use of Electronic Resources

This policy governs the use of West Hills Community College District (WHCCD) electronic resources, including computers, networks, electronic mail and electronic information sources.

The intent of the policy is to permit maximum freedom of use consistent with city, state and federal laws and regulations and West Hills Community College District policy, and a productive working and educational environment. Activity by users of WHCCD electronic resources that threaten the integrity of the system, the function of non-college equipment that can be accessed through the system, the privacy or actual or perceived safety of others, or activities that are otherwise illegal are prohibited. Depending on the seriousness of an offense, violation of the policy can result in penalties ranging from reprimand, to loss of system access, to employment termination or expulsion. In addition, some activities may lead to risk of legal liability both civil and criminal against the violator.

Users of West Hills Community College District electronic information resources are urged in their own interest to review and understand the contents of this policy.

Purpose

The West Hills Community College District makes electronic resources (including, but not limited to, computer facilities and services, computers, networks, electronic mail, software, electronic information and data, and video and voice services) available to faculty, students, staff, and registered guests, to support WHCCD business and its educational, and service missions.

When demand for electronic resources may exceed available capacity, priorities for their use will be established and enforced. The priorities for WHCCD wide electronic resources are:

- Highest: Uses that directly support the educational missions of WHCCD and those that support the key administrative functions.
- Medium: Uses that indirectly benefit the educational mission of WHCCD as well as and including reasonable and limited personal communications.
- Lowest: Recreation, including game playing.

Audience and Implied Consent

Each person with access to WHCCD electronic resources is responsible for their appropriate use and by their use agrees to comply with all applicable WHCCD policies and regulations and with applicable city, state, and federal laws and regulations, as well as with the acceptable use policies of affiliated networks and systems.

Rights

WHCCD reserves all rights, including termination of service without notice, to the electronic resources which it makes available and operates. This policy shall not be construed as a waiver of any right of WHCCD, nor shall they conflict with applicable acts of law.

Users of these systems have rights that may be protected by federal, state and local law.

Enforcement and Penalties for Violation

Forbidden: All activities in violation of the general standards or prohibited in the specific rules interpreting this policy.

Violations of these policies may result in disciplinary review. In such a review, the full range of disciplinary sanctions is available including the loss of computer use privileges, dismissal from the college, and legal action. Violations of these policies may constitute a criminal offense.

Violations of these policies that do not violate local, state or federal law and appear to be unintentional or isolated violations of use policies may be resolved informally through e-mail, or face to face discussion and education with the user or users by the appropriate area administrator.

It may at times be necessary for authorized systems administrators to suspend someone's access to WHCCD electronic resources immediately for violations of this policy, pending interim resolution of the situation. In the case of continuing violations, suspension of access may be extended until final resolution by the appropriate disciplinary body.

System owners, administrators, or managers may be required to investigate violations of this policy and to ensure compliance.

Interpreting This Policy

As technology evolves, questions will arise about how to interpret the general standards expressed in this policy. The Director of Information Technology Services shall, after consultation with the Technology Advisory Committee and President's Council, publish specific rules interpreting this policy.

Waiver

When restrictions in this policy interfere with the educational missions of WHCCD, members of the WHCCD community may request a written waiver from the Chancellor (or designee).

General Standards for the Acceptable Use of Electronic Resources

Failure to uphold the following general standards for the acceptable use of electronic resources constitutes a violation of this policy and may be subject to disciplinary action.

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The general standards for the acceptable use of WHCCD electronic resources require:

- Responsible behavior with respect to the electronic information environment at all times;
- Behavior consistent with the mission of WHCCD;
- Respect for the principles of open expression;
- Compliance with all applicable laws, regulations, and WHCCD policies;
- Truthfulness and honesty in personal and computer identification;
- Respect for the rights and property of others, including copyrights, and intellectual property rights;
- Behavior consistent with the privacy and integrity of electronic networks, electronic data and information, and electronic infrastructure and systems; and
- Respect for the value and intended use of human and electronic resources.

Specific Rules Interpreting the Policy on Acceptable Use of Electronic Resources

The following specific rules apply to all users of WHCCD electronic resources. These rules are not an exhaustive list of proscribed behaviors, but are intended to implement and illustrate the general standards for the acceptable use of WHCCD electronic resources, other relevant WHCCD policies, and applicable laws and regulations. Additional specific rules may be promulgated for the acceptable use of individual computer systems or networks.

Identification of Users

Anonymous and pseudonymous communications are not permitted within the electronic resources of WHCCD. When investigating alleged violations of this policy the Director of Information Technology Services may direct an authorized system administrator to attempt to identify the originator of any anonymous/pseudonymous messages and may refer such matters to appropriate disciplinary bodies to prevent further distribution of messages from the same source.

The following activities and behaviors are prohibited:

- Misrepresentation (including forgery) of the identity of the sender or source of an electronic communication;
- Acquiring or attempting to acquire passwords of others;
- Using or attempting to use the computer accounts of others;
- Alteration of the content of a message originating from another person or computer with intent to deceive; and
- The unauthorized deletion of another person's files or postings.

Content of Communications

Except as provided by applicable city, state, or federal laws, regulations or other WHCCD policies, the content of electronic communications is not by itself a basis for disciplinary action.

Unlawful communications, including threats of violence, pornography, and harassing communications (as defined by law), are prohibited.

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The use of WHCCD electronic resources for private business or commercial activities (except where such activities are otherwise permitted or authorized under applicable WHCCD policies), fundraising or advertising on behalf of non-WHCCD organizations, or the reselling of WHCCD electronic resources to non-WHCCD individuals or organizations, and the unauthorized use of the WHCCD name are prohibited.

A user who harasses or makes defamatory or derogatory remarks shall bear full responsibility for his or her actions. Further, by using this system users agree that individuals who transmit such remarks shall bear sole responsibility for their actions. Users agree that WHCCD's role in managing this system is only as an information carrier and that they will never consider transmission through this system as an endorsement of said transmission by WHCCD.

Many of the WHCCD instructional computing systems provide access to outside networks both public and private which furnish electronic mail, information services, bulletin boards, conferences, etc. Users are advised that WHCCD does not assume responsibility for the contents of any of these outside networks.

The user agrees to comply with the acceptable use guidelines for whichever outside networks or services they may access through WHCCD systems. Further, the user agrees to follow proper etiquette on outside networks. Documents regarding etiquette are available through specific individual networks.

The user agrees never to attempt to transmit, or cause to be transmitted, any message in which the origination is deliberately misleading (except for those outside services which may conceal identities as part of the service).

The user agrees that, in the unlikely event that someone does transmit, or cause to be transmitted, a message that is inconsistent with WHCCD policy or with a misleading origination, the person who performed the transmission will be solely accountable for the message, not WHCCD, which is acting solely as the information carrier.

Access to Electronic Resources

The following activities and behaviors are prohibited:

- The use of restricted-access WHCCD electronic resources or electronic information without or beyond one's level of authorization;
- The interception or attempted interception of communications by parties not explicitly intended to receive them;
- Making WHCCD electronic resources available to individuals not affiliated with WHCCD without approval of an authorized WHCCD official;
- Making available any materials the possession or distribution of which is illegal;
- The unauthorized copying or unauthorized use of licensed computer software;

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- Unauthorized access, possession, or distribution by electronic or any other means, of electronic information or data that is confidential under the WHCCD policies regarding privacy or the confidentiality of student, administrative, personnel, archival, or other records, or as defined by WHCCD policy;
- Intentionally compromising the privacy or security of electronic information;
- Intentionally infringing upon the intellectual property rights of others in computer programs or electronic information (including plagiarism and unauthorized use or reproduction).

The following activities and behaviors are considered appropriate use:

Appropriate uses of WHCCD electronic resources include but are not limited to:

- Administrative Use (administrators, classified staff, departments):
 - College administrative and business communications and transactions
 - Communication with colleagues and professional organizations and institutions
 - Research tied to WHCCD concerns and interests
- Educational Use (students)
 - Carrying out course assignments and activities requiring access to and use of WHCCD computing facilities and systems
 - Authorized access to and use of computer programs licensed by WHCCD available on standalone and networked computing stations
 - Authorized access to lab and campus networks to perform and complete required course work for WHCCD courses in which the user is currently enrolled
 - Independent study and research
 - Users agree to follow acceptable use policies established by individual computing labs and network systems and to obey directives issued by authorized college personnel supervising such labs and systems.
- Instructional Use (faculty):
 - Use in classroom instruction
 - Development of instructional materials
 - Research or other professional activities that fall within the scope of activities protected by academic freedom as defined in Board Policy, the WHCCDFA Agreement, and the Education Code.
 - Communication with colleagues and professional organizations and institutions.

Operational Integrity

The following activities and behaviors are prohibited:

- Interference with or disruption of the computer or network accounts, services, or equipment of others, including, but not limited to, the propagation of computer "worms" and "viruses", the sending of electronic chain mail, and the inappropriate sending of "broadcast" messages to large numbers of individuals or hosts;
- Failure to comply with requests from appropriate WHCCD officials to discontinue activities that threaten the operation or integrity of computers, systems or networks, or otherwise violate this policy;

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- Revealing personal passwords or otherwise permitting the use by others (by intent or negligence) of personal accounts for computer and network access;
- Altering or attempting to alter files or systems without authorization;
- Unauthorized scanning of networks for security vulnerabilities;
- Attempting to alter any WHCCD computing or networking components (including, but not limited to, bridges, routers, and hubs) without authorization or beyond one's level of authorization;
- Unauthorized wiring, including attempts to create unauthorized network connections, or any unauthorized extension or re-transmission of any computer or network services;
- Intentionally damaging or destroying the integrity of electronic information;
- Intentionally disrupting the use of electronic networks or information systems;
- Intentionally wasting human or electronic resources;
- Negligence leading to the damage of WHCCD electronic information, computing/networking equipment and resources;
- Deliberately degrading the performance of a computer system;
- Deliberately depriving authorized personnel of resources or access to any WHCCD system;
- Unauthorized loading, updating, or removal of software from any WHCCD computer, network or communication component.

Copyright

Computer software protected by copyright shall not be copied from, into, or by means of WHCCD computing facilities, except as permitted by law or by the contract with the owner of the copyright. The number of copies and distribution of copies may not be done in such a way that the number of simultaneous users exceeds the number of original copies purchased. The ITS department is solely authorized to load and maintain software on WHCCD systems.

Privacy

a. Electronic mail

While reasonable attempts have been made to ensure the privacy of user's electronic mail, this is no guarantee that electronic mail is private. The instructional computing systems and/or networks to which they are connected are not necessarily secure.

System administrators will respect user's privacy to the extent possible, and will not examine mail except in the following circumstances:

- Investigating an apparent violation of these procedures;
- Disk capacities are exceeded and user's mail storage is a contributing factor;
- Performing any necessary maintenance of the mail system;
- Forwarding a misdelivered message;
- Closing an account which contains unread mail;

b. Other forms of data

Programs and files are confidential unless they have been made available explicitly to other authorized individuals. WHCCD reserves the right to access all information stored on district computers. File owners will be notified, in advance, if such notice is practical. When performing maintenance, every effort will be made to insure the privacy of user's files. However, if violations are discovered, they will be reported immediately to the appropriate college official(s).

c. Privacy and Monitoring

All users of WHCCD computers and networks acknowledge that their usage may be subject to monitoring for the purpose of maintaining the integrity of the system, however, such monitoring will be done by WHCCD solely to investigate security or policy violations at the direction of the Superintendent/President and is not done capriciously. Monitoring is only done by the Director of ITS.

Censorship

Free expression of ideas is central to the academic process. WHCCD will not remove any information from individual accounts unless:

- The presence of the information involves illegality (e.g., copyrighted material, software used in violation of a license agreement).
- The information in some way endangers electronic resources or the information of other users (e.g., a computer worm, virus, or other destructive program).
- The information is inappropriate, because it is unrelated to or is inconsistent with the mission of WHCCD, involves the use of pornographic, bigoted, or abusive material on WHCCD resources, or is otherwise not in compliance with the legal and ethical standards as listed in the section on the General Standards for the Acceptable Use of Electronic Resources.

WHCCD may remove from central or desktop computers any information that is inappropriate as defined above. A review of each case will be made by WHCCD to determine what penalty if any will be dealt to the responsible user.

Nondiscrimination

All users have the right to be free from any conduct connected with the use of WHCCD electronic resources which discriminates against any person on the basis of race, color, national origin, sex, or disability. Discriminatory conduct includes, but is not limited to, written or graphic conduct that satisfies both the following conditions:

1. harass, denigrates or shows hostility or aversion toward an individual or group based on that person's gender, race, color, national origin or disability, and

2. has the purpose or effect of creating a hostile, intimidating, or offensive educational environment.

“Harassing conduct” and “hostile educational environment” are defined below.

“Harassing conduct” includes, but is not limited to, the following: epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to race, color, national origin, gender, or disability. This includes acts that purport to be jokes or pranks but that are hostile or demeaning.

A “hostile educational environment” is established when harassing conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from WHCCD electronic resources.

Any user who believes he or she has been subject to discrimination on the basis of race, color, national origin, gender, or disability may inform the system administrator or the WHCCD District Compliance Officer. Upon receiving any such complaint, WHCCD shall process the complaint in accordance with the WHCCD Discrimination and Grievance Procedures.

Any user who files a complaint or otherwise protests against discrimination has the right to be free from any retaliatory action because of the complaint or protest.

Any user who protests against discriminatory conduct and who is subsequently subject to retaliatory action because of the protests may file an additional or amended complaint with the system administrator or the WHCCD District Compliance Officer.

Additional Guidelines

System administrators may develop additional, more detailed guidelines as needed for any of the WHCCD electronic resources or systems. These guidelines will cover such issues as allowable connect time and disk space, handling of unretrievable mail, responsibility for account approval, and other items related to administering the system.

Applicable Laws

Computer and network use is also subject to California state and federal laws and regulations. Suspected violations of applicable law are subject to investigation by WHCCD and law enforcement officials. Some examples of the applicable laws are:

- Federal Copyright Law: U.S. copyright law grants authors certain exclusive rights of reproduction, adaptation, distribution, performance, display, attribution and integrity to their creations, including works of literature, photographs, music, software, film and video. Violations of copyright laws include, but are not limited to, the making of unauthorized copies of any copyrighted material (such as commercial software, text, graphic images, audio and video recordings) and distributing copyrighted materials over computer networks or through other means.

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- Federal Wire Fraud Law: Federal law prohibits the use of interstate communications systems (phone, wire, radio, or television transmissions) to further an illegal scheme or to defraud.
- Federal Computer Fraud and Abuse Law: Federal law prohibits unauthorized access to, or modification of information in computers containing national defense, banking, or financial information.
- Federal Child Pornography Laws: Federal laws prohibit the creation, possession, or distribution of graphic depiction of minors engaged in sexual activity, including computer graphics. Computers storing such information can be seized as evidence.
- Pyramid schemes/chain letters: It is a violation of the Federal Postal Lottery Statute to send chain letters which request sending money or something of value through the U.S. mail. Solicitations through electronic messaging are also illegal, if they require use of U.S. mail for sending money/something of value.
- Defamation: Someone may seek civil remedies if they can show that they were clearly identified as the subject of defamatory messages and suffered damages as a consequence. Truth is a defense against charges of defamation.

Acknowledgments

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The ResNet Guide, Information Systems and Computing, the University of Pennsylvania.

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