

# Policy and Procedure

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**Division/Department:** Information Technology

**Author(s):** Ken Ries

**Subject:** Acceptable use of computers and information technology resources

**Authorities:** MnSCU Board policy 5.22, 1.B.1, 1.C.2, and 3.26; Minnesota Statutes section 43A.38, 43A.32, 211B.09; Federal Electronic Communications Privacy Act; the Computer Fraud and Abuse Act; State computer crime statutes; Student conduct codes; and applicable software licenses

**Purpose:** Computer and information technology resources are essential tools in accomplishing the mission of Pine Technical College. These resources must be used and managed responsibly in order to ensure their availability for the competing demands of teaching, scholarship, administration and other mission-related uses. This policy establishes responsibilities for acceptable use of Pine Technical College information technology resources.

## **Policy:**

### Part 1. Purpose

#### Subpart A. Acceptable use.

This procedure establishes responsibilities for acceptable use of Pine Technical College information technology resources. College information technology resources are provided for use by currently enrolled system students, administrators, faculty, other employees, and other authorized users. College information technology resources are the property of Pine Technical College and are provided for the direct and indirect support of the College's educational, research, service, student and campus life activities, administrative and business purposes, within the limitations of available system technology, financial and human resources. The use of Pine Technical College information technology is a privilege conditioned on compliance with System Policy 5.22, System Procedure 5.22.2 Cellular and Mobile Computing Devices, and any procedures or guidelines adopted pursuant to this procedure. The system encourages the use of information technology as an effective and efficient tool within the framework of applicable state and federal laws, policies and rules and other necessary restrictions.

#### Subpart B. Academic freedom.

Nothing in this procedure shall be interpreted to expand, diminish or alter academic freedom, articulated under Board policy and system collective bargaining agreements, or the terms of any charter establishing a system library as a community or public library.

## Part 2. Applicability

This procedure applies to all users of system information technology, whether or not the user is affiliated with Pine Technical College, and to all uses of those resources, wherever located. Pine Technical College is not responsible for any personal or unauthorized use of its resources, and security of data transmitted on its information technology resources cannot be guaranteed.

## Part 3. Definitions

### Subpart A. College.

College, except where specified otherwise, means a Pine Technical College, the Office of the Chancellor, or the Minnesota State Colleges and Universities System.

### Subpart B. Security measures.

Security measures means processes, software, and hardware used by system and network administrators to protect the confidentiality, integrity, and availability of the computer resources and data owned by the system or its authorized users. Security measures may include, but are not limited to, monitoring or reviewing individual user accounts for suspected policy violations and investigating security-related issues.

Subpart C. System. System means the Board of Trustees, the Office of the Chancellor, the state colleges and universities, and any part or combination thereof.

Subpart D. College information technology. College information technology means all system facilities, technologies, and information resources used for information processing, transfer, storage and communications. This includes, but is not limited to, computer hardware and software, computer labs, classroom technologies such as computer-based instructional management systems, and computing and electronic communications devices and services, such as modems, e-mail, networks, telephones, voicemail, facsimile transmissions, video, mobile computing devices, and multimedia materials.

Subpart E. Transmit. Transmit means to send, store, collect, transfer or otherwise alter or affect information technology resources or data contained therein.

### Subpart F. User.

User means any individual, including, but not limited to, students, administrators, faculty, other employees, volunteers, and other authorized individuals using College information technology in any manner, whether or not the user is affiliated with Pine Technical College.

## Part 4. Responsibilities of All Users.

### Subpart A. Compliance with applicable law and policy.

1. Users must comply with laws and regulations, Board policies and system procedures, Pine Technical College policies and College procedures, contracts, and licenses applicable to their particular uses. This includes, but is not limited to: the laws of libel, data privacy, copyright, trademark, gambling, obscenity, and child pornography; the federal Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking" and similar activities; state computer crime statutes; applicable

conduct codes, including the System Procedure 1C.0.1, Employee Code of Conduct; applicable software licenses; and Board Policies 1B.1, prohibiting discrimination and harassment, 1C.2, prohibiting fraudulent or other dishonest acts; and 3.26, concerning intellectual property.

2. Users are responsible for the content of their personal use of College information technology, and may be subject to liability resulting from that use.
3. Users must use only system information technology they are authorized to use and use them only in the manner and to the extent authorized. Ability to access information technology resources does not, by itself, imply authorization to do so.
4. Users are responsible for use of College information technology under their authorization.

#### Subpart B. Unauthorized use.

Users must abide by the security restrictions on all systems and information to which access is authorized.

1. Users must not allow others who are not authorized to:
  - a. use any account or password assigned by the College to anyone else;
  - b. share any account or password, assigned to the user by the College, with any other individual, including family members;
  - c. allow others to use College information technology under the user's control;
2. Users must not circumvent, attempt to circumvent, or assist another in circumventing security controls in place to protect the privacy and integrity of data stored on College information technology.
3. Users must not change, conceal, or forge the identification of the person using College information technology, including, but not limited to, use of e-mail.
4. Users must not knowingly download or install software onto College information technology unless it has been preapproved through established campus procedures including Pine Technical College policy 703, or by the Chief Information Officer, or prior authorization is received from the Chief Information Officer.
5. Users must not engage in activities that interfere with or disrupt network users, equipment or service; intentionally distribute viruses, worms, trojans, or other malicious code; or install software or hardware that permits unauthorized access to College information technology.
6. Users must not engage in inappropriate uses, including:
  - a. activities that violate State or federal law or regulation;
  - b. wagering or betting;
  - c. harassment, threats to or defamation of others, stalking, and/or illegal discrimination;
  - d. fund-raising, private business, or commercial activity, unless it is related to the mission of the College, System or its colleges and universities. Mission related activities are determined by the College, or Office of the Chancellor, and include activities of authorized campus or System-sponsored organizations;

- e. storage, display, transmission, or intentional or solicited receipt of material that is or may be reasonably regarded as obscene, sexually explicit, or pornographic, including any depiction, photograph, audio recording, or written word, except as such access relates to the academic pursuits of a College student or professional activities of a College employee; and
- f. “spamming” through widespread dissemination of unsolicited and unauthorized e-mail messages.

#### Subpart C. Protecting privacy.

Users must not violate the privacy of other users and their accounts, regardless of whether those accounts are securely protected. Technical ability to access others’ accounts does not, by itself, imply authorization to do so.

#### Subpart D. Limitations on use.

Users must avoid excessive use of College information technology, including but not limited to network capacity. Excessive use means use that is disproportionate to that of other users, or is unrelated to academic or employment-related needs, or that interfere with other authorized uses. The College may require users to limit or refrain from certain uses in accordance with this provision. The reasonableness of any specific use shall be determined by the College or Office of the Chancellor in the context of relevant circumstances.

#### Subpart E. Unauthorized trademark use.

Users must not state or imply that they speak on behalf of the College or the System, and must not use College or System trademarks or logos without prior authorization. Affiliation with the College does not, by itself, imply authorization to speak on behalf of the College.

### Part 5. College Employee Users.

All employees of Pine Technical College are subject to Minnesota Statutes, section 43A.38, the code of ethics for employees in the executive branch and System Procedure 1C.0.1, Employee Code of Conduct. In addition, employees are expected to use the traditional communication rules of reasonableness, respect, courtesy, and common sense when using system information technology.

#### Subpart A. Personal use.

1. Personal use of system-owned cellular devices is not allowed. See System Procedure 5.22.2 Cellular and Other Mobile Computing Devices.
2. In accordance with Minnesota Statutes, section 43A.38, subdivision 4, system employees may make reasonable use of system information technology for personal communications as long as the use is in accordance with state law, Board policy and system procedure, and the use, including the value of employee time spent, does not result in an incremental cost to the state, or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable, as determined by the system. Reasonable use means use consistent with this procedure.

**Subpart B. Union activities.**

In the interest of maintaining effective labor-management relationships and efficient use of state time and resources, system e-mail accounts may be used by employee representatives of the union for certain union activities, in accordance with state policy and/or the provisions of applicable collective bargaining agreements.

College-owned property or services, including the e-mail system, may not be used for political activities, fund-raising, campaigning for union office, union organizing activities, or solicitation of employees for union membership.

Union use of system electronic communication technology, as authorized, is subject to the same conditions as employee use of such technology, as set forth in Board Policy 5.22 and this procedure, including security and privacy provisions.

**Subpart C. Political activities.**

College employees shall not use College information technology for political activities prohibited by Minnesota Statutes sections 43A.32 or 211B.09, or other applicable State or federal law.

**Subpart D. Religious activities.**

College employees shall not use College information technology in a manner that creates the impression that the College supports any religious group or religion generally in violation of the Establishment Clause of the First Amendment of the United States Constitution or Article 1, Section 16 of the Minnesota State Constitution.

**Part 6. Security and Privacy.**

**Subpart A. Security.** Users shall employ reasonable physical and technological security measures to protect system records in all phases of handling. This may include, but is not limited to, the appropriate use of secure facsimiles or encryption or encoding devices when electronically transmitting data that is not public.

**Subpart B. Privacy.** Data transmitted via College information technology are not guaranteed to be private (Board Policy 5.23 - Security and Privacy of Information Resources). Deletion of a message or file may not fully eliminate the data from the system.

**Subpart C. Right to employ security measures.** The College reserves the right to employ security measures, including but not limited to, the right to monitor any use of system information technology, including those used in part for personal purposes. Users have no expectation of privacy for any use of system technology resources, except as provided under federal wire tap regulations (21 U.S.C. Sections 2701-2711).

The College does not routinely monitor individual usage of its information technology resources. Normal operation and maintenance of system information technology requires the backup and caching of data and communications, the logging of activity, the monitoring



of general usage patterns and other activities that are necessary for such services. When violations are suspected, appropriate steps shall be taken to investigate and take corrective action or other actions as warranted. System officials may access data on system information technology, without notice, for other business purposes including, but not limited to, retrieving business-related information; re-routing or disposing of undeliverable mail; or responding to requests for information permitted by law.

#### Part 7. Application of Government Records Laws.

Subpart A. Data practices laws. Government data maintained on system information technology is subject to data practices laws, including the Minnesota Government Data Practices Act and the federal Family Educational Rights and Privacy Act, to the same extent as they would be if kept in any other medium. Users are responsible for handling government data to which they have access or control in accordance with applicable data practices laws.

Subpart B. Record retention schedules. Government data maintained on system information technology is subject to data practices laws, including the Minnesota Government Data Practices Act and the federal Family Educational Rights and Privacy Act, to the same extent as they would be if kept in any other medium. Users are responsible for handling government data to which they have access or control in accordance with applicable data practices laws.

#### Part 8. Enforcement.

Conduct that involves the use of College information technology resources to violate a system policy or procedure, or state or federal law, or to violate another's rights, is a serious abuse subject to limitation or termination of user privileges and appropriate disciplinary action, legal action, or both.

##### Subpart A. Access Limitations.

Pine Technical College reserves the right to temporarily restrict or prohibit use of its system information technology by any user without notice, if it is determined necessary for business purposes.

##### Subpart B. Repeat violations of copyright laws.

Pine Technical College may permanently deny use of system information technology by any individual determined to be a repeat violator of copyright or other laws governing Internet use.

##### Subpart C. Disciplinary proceedings.

Alleged violations shall be addressed through applicable system procedures, including but not limited to System Procedure 1B.1.1, to address allegations of illegal discrimination and harassment; student conduct code for other allegations against students; or the applicable collective bargaining agreement or personnel plan for other allegations involving

employees. Continued use of College information technology is a privilege subject to limitation, modification, or termination.

**Subpart D. Sanctions.**

Willful or intentional violations of this procedure are considered to be misconduct under applicable student and employee conduct standards. Users who violate this procedure may be denied access to College information technology and may be subject to other penalties and disciplinary action, both within and outside of the College. Discipline for violations of this procedure may include any action up to and including termination or expulsion.

**Subpart E. Referral to Law Enforcement.**

Under appropriate circumstances, Pine Technical College may refer suspected violations of law to appropriate law enforcement authorities, and provide access to investigative or other data as permitted by law.

**Part 9. Contact information.**

Any questions, concerns or problems regarding the use of Campus information technology or concerning intended or unintended interruptions of service should be directed to the Pine Technical College Helpdesk via email at [helpdesk@pinetech.edu](mailto:helpdesk@pinetech.edu).

Specific questions related to policy, including interpretation and enforcement, should be directed to Ken Ries, CIO/Technology Director (email: [riesk@pinetech.edu](mailto:riesk@pinetech.edu). Phone: 320-629-5195, Fax 320-629-5105, Postal mail: 900 4th Street SE, Pine City, MN 55056).

**Responsibilities:** It is the responsibility of all employees to adhere to the responsibilities as defined in the policy above.

**Dissemination:**

**Reviewed by Campus Roundtable: 9/13/2004, 10/25/2010**

**Reviewed by Faculty Shared Governance: 8/31/2004**

**Reviewed by Managers Meeting: (Insert name of person/group that did the review and the date)**

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