SOFTWARE USE

For the purposes of this regulation, software is defined as a set of step-by-step instructions that tell the computer how to perform a task. The following items address computer and software issues:

DUPLICATION

1. Software and documentation will only be used in accordance with the terms of the applicable license. No employee, student, or other authorized user will duplicate any software without authorization, except that one copy of any software may be made for backup or archival purposes only.

LOCAL AREA NETWORKS

2. With respect to the use of software on local area networks or simultaneous use on more than one computer, use of any particular software will be limited to the specific number of machines permitted by the license agreement.

FAIR USE DOCTRINE

3. In most instances, the Fair Use Doctrine does not apply to software.

FACE-TO-FACE TEACHING

4. The Face-to-Face Teaching Exemption is available only if the use of the software itself is being taught.

PERSONAL SOFTWARE

5. Employees, students, and other authorized users may use individually owned software on College District computers only if the user can provide proof of a license to use the software from the copyright owner. A statement signed by the user stating that the user holds a valid license to use the software will be deemed adequate proof.

NETWORKS

6. College District employes, students, and other authorized users will access computer networks only to further the institutional goals of the College District.

UNAUTHORIZED USERS

7. Employees, students, and other authorized users will not permit persons who are not authorized by the College District to have access to or to use the College District's computers, software, or documentation.

SOFTWARE LIAISON

8. The chief administrative officer at each College District location will designate a software liaison. The software liaison will act as a resource to those with questions concerning use of computer software in the College District and as a liaison between the campus and the College District legal counsel. Questions concerning the College District's software use policy should be directed to the software liaison.

EXCEPTIONS

9. This regulation reflects fundamental copyright law. The limited exceptions that are available under the law will be considered on a case-by-case basis. The software liaison should be contacted when an issue arises in the implementation of this policy and regulation.

NETWORKING INFRASTRUCTURE

"Networking infrastructure" means networking telecommunications technologies used by the College District to facilitate and enable communications between information technology devices. Network infrastructure includes, but is not limited to, routers, switches, hubs, wireless access points, ethernet wiring, RF transmitting, and receiving equipment. No distinction is intended among wired, wireless, and optical networks.

Each location chief technology officer or designee must coordinate with and obtain approval from College District personnel in the information technology and data communications departments when intending to purchase, configure, or implement any networking infrastructures. Without this approval, no employee may purchase, configure, and/or implement networking infrastructures at any location.

The College District information technology and data communications personnel are responsible for specifications of the networking infrastructure. Decisions regarding specifications are made in concert with location chief technology officers to ensure support of the College District and locations' mission. The information technology and data communication departments will maintain documentation of networking infrastructure activity in a confidential manner for security purposes. Location chief executive officers may designate employees to access this documentation when necessary to perform the employees' jobs.

COMPUTER USE REGULATIONS

INTENT / DISSEMINATION

It is the intent of the College District in these regulations to implement the College District's computer use policy, CR(LOCAL), and to provide uniformity in addressing questions that arise in conjunction with the policy. [See CR(LOCAL)] If an employee encounters any problems with interpretation or application of the policy or these regulations, the employee should notify the location-designated computer use policy committee liaison or College District legal counsel. A computer use policy committee liaison will provide information that will assist the college administration and employees in implementing and complying with the policy and regulations.

The policy and regulations will be reviewed periodically by an ad hoc committee. This ad hoc committee will include a computer use liaison from each location and the College District legal counsel. The College District director of human resources and College District director of risk management will co-chair the committee. The committee will ensure that the policy and regulations are effective in the College District and are not obsolete by virtue of new technology. The committee may suggest changes to the policy or regu-

lations, or both, and send the changed to the Chancellor's Staff through the College District legal counsel.

The policy will be published in the College District catalog and each campus catalog, linked on each campus Web site to the College District's main Web site and readily available at each computer lab or concentration of College District computing resources (e.g., libraries). In addition, all users employed by the College District must sign an acknowledgement that they have read and will abide by the policy before using College District computing resources or facilities. Each location or lab is encouraged to develop a pop-up screen that summaries the policy and makes further access to College District computing resources contingent on compliance with the policy.

COMPUTER USE AND OTHER COLLEGE DISTRICT POLICIES: CONSEQUENCES OF VIOLATION

Computer use is held to the same standards of conduct as all other use of College District resources or any other communication. If an employee or student violates another College District policy by using the computer (e.g., the sexual harassment policy or the copyright policy), the person also violates the computer use policy. Violation of the policy is grounds for employee disciplinary action, up to and including termination. Employees should consult their location human resources director or College District legal counsel with any questions regarding employee violation.

If a student violates the policy, the violation will be dealt with under the Code of Student Conduct. If a community user violates the policy, determination of the appropriate course of action will be made by the affected parties in consultation with College District legal counsel, when necessary. If questions arise regarding whether a contemplated use violates copyright or trademark law, employees and students should contact the copyright policy liaison on their campus or College District legal counsel.

USE OF COLLEGE DISTRICT COMPUTING RESOURCE AND FACILITIES BY PERSONS OTHER THAN FACULTY / STAFF / STUDENTS

Each campus may promulgate rules that establish which users will have priority in using College District computing resources and facilities. These rules must recognize that academic and educational uses by faculty, staff, and students take precedence over other uses. Each campus may limit members of the community who are not faculty, staff, or students to a set period of time each day in using College District computer resources and facilities. In addition, the colleges may limit faculty, staff, and student users to a set period of time each day for noninstructional uses. These limitations by the college may also include limitations on equipment and location.

Employees and students are expected to abide by the policy governing incidental person use. [See CR(LOCAL)]

COLLEGE DISTRICT / INSTRUCTIONAL WEB PAGES	Web pages created using College District computing resources or facilities are subject to all College District policies and regulations. All Web sites that use College District computing resources or facilities are subject to the Digital Millennium Copyright Act of 1998. Under the act, College District legal counsel is the designated agent to receive notice of claimed infringement and is authorized to expeditiously remove or disable a Web site upon notice of the infringing activity.
COPYRIGHT INFRINGEMENT	Any person who believes that College District computing resources or facilities are being used in a manner that violates copyright law should immediately contact College District legal counsel. Infringing activity will be promptly terminated.
USE OF PERSONAL COMPUTING RESOURCES WITH COLLEGE DISTRICT RESOURCES OR FACILITIES	The College District discourages users from using personal hardware and peripherals with College District computing resources or equipment, or at College District facilities, and notifies all users that doing so is “at the user’s own risk.” The College District has no obligation to repair or replace any personal hardware or peripherals that are damaged, lost, or stolen when using College District computing resources or College District facilities. Users may not install any software on College District equipment without prior approval from the person(s) designated to provide approval at each location. Approval may be granted at the College District’s sole discretion, and will not be given unless the software has been properly licensed, as required in this regulation, and installation will not create any potential for disruption of the College District’s computing resources.
COOPERATION WITH LAW ENFORCEMENT	It is the College District’s general policy to cooperate with both formal and informal requests from law enforcement authorities when they seek access to information contained in the College District’s computing resources and facilities, subject to other applicable laws, such as the Family Educational Rights and Privacy Act (FERPA). Any request from law enforcement authorities that involves use or search of College District computing resources or facilities will be referred to College District legal counsel.
COMPLIANCE WITH PUBLIC INFORMATION ACT	To ensure preservation of institutional data, all employees must place institutional data on College District (network) drives (typically designated either “U:drive” or “P:drive”), even if a working copy or backup copy is kept in a separate file. Institutional data is any information related to the College District, including without limit information about instruction, student services, and business matters. Questions regarding whether a particular record should be retained and the manner of retention should be directed to the College Dis-

trict Records Management who will work with departmental records custodians to provide copies of Record Retention Schedules and answer pertinent questions.

QUESTIONS

Any questions regarding application of the policy or these regulations should be directed to the location computer use policy committee liaison or College District legal counsel.