



# CALIFORNIA STATE UNIVERSITY, LONG BEACH

<b>Subject: Acceptable Use of CSULB Electronic Communications Systems and Services</b>	
<b>Department: Information Security and Management</b>	<b>Reference No.:</b>
<b>Division: Administration &amp; Finance</b>	<b>Issue Date: August 2007</b>
<b>References: CSU Executive Order 999 – Illegal File Sharing and Protection of Electronic Copyrighted Material</b>	<b>Revision Date: NA</b>
<b>Web Links: CSU Executive Order 999</b>	<b>Expiration Date: NA</b>

## I. POLICY STATEMENT

Electronic communications systems and services are essential to conducting University business. The continued and reliable availability of these systems and services are paramount to California State University, Long Beach's (University) ability to fulfill its mission of education, research, and public service. To this end, the University uses, supports and provides electronic communications systems and services for telecommunications, mail, education, and research.

The University encourages the use of electronic communications systems and services for lawful purposes and makes them widely available to the university community. Nonetheless, the use of electronic communications resources is limited by restrictions that apply to all University property and by constraints necessary for the reliable operation of electronic communications systems and services. The University reserves the right to deny use of its electronic communications systems and services, when necessary, to satisfy these restrictions and constraints. The contents of all electronic communications systems and services shall conform to CSU and CSULB policies and standards, state law and federal law including the Copyright Act of 1976 and all subsequent amendments including, but not limited to, the Digital Millennium Copyright Act of 1998 and the Teach Act of 2002.

All electronic communications systems and services intended to accomplish the academic and administrative tasks of the University shall be accessible to users with disabilities in compliance with law and University policies. Alternate accommodations shall conform to law and University policies and standards.

## II. GENERAL PROVISIONS

### a. PURPOSE

The purposes of this policy are to:

Ensure that University electronic communications systems and services are used for purposes appropriate to the University's mission;

Ensure that User's privacy rights are protected;

Inform the University community about the applicability of laws and standards to electronic communications;

Ensure that electronic communications system and services are used in compliance with those laws and standards; and

Prevent disruption to and misuse of University electronic communications systems and services.

### b. SCOPE

This policy applies to:

All electronic communications systems and services, owned or managed by the University or auxiliary organizations;

All electronic communications systems and services provided by the University or auxiliary organizations through contracts or other agreements;

All users and uses of University electronic communications system and services ; and

All University electronic communications records in the possession of University employees or of other users of electronic communications system and services provided by the University.

### c. DEFINITIONS

Terms used in this Policy are defined in Appendix A.

## III. PROHIBITED USE

Users are prohibited from utilizing University electronic communications systems and services for any unlawful, unethical or unprofessional purpose or activity. Examples of prohibited use include but are not limited to:

Transmission of threats, harassment or defamation



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Download or distribution of material or programs that could be deemed harmful to University electronic communications systems or services

Violations of any state or federal laws or any applicable CSU or CSULB policy or regulation, including but not limited to, Rules of the Academic Senate, the Faculty Code, the Faculty Handbook and Administrative Guidelines

Intentional access, viewing, download or dissemination of materials containing obscene matter

Violation of software licensing agreements

Intentional damage to equipment, software or data

Commercial activities unrelated to the mission of the University. This includes soliciting, promoting, selling, marketing or advertising products or services (e.g. consulting services) or other revenue generating private business operations for personal financial gain. Disputes regarding a commercial activity's relatedness to mission of the University shall be resolved by the University President or designee.

Campus auxiliary organizations are authorized to provide services and products to students, faculty and staff, and invited guests of the University through operating and service support leases.

The University President or designee may authorize additional limited commercial uses under separate policy provisions and such uses are exceptions to the above commercial use prohibitions.

University electronic communications system and services may not be used to:

1. circumvent legitimate copyright protections or illegally access, copy or disseminate copyrighted material in any form including, but not limited to, print, music, video or other multimedia content, that is not permitted under the principle of Fair Use;
2. distribute or duplicate copyrighted software without appropriate licensing agreements or use of software in a manner inconsistent with the license; or
3. engage in peer-to-peer technology for non-business purposes. This includes, but is not limited to, transfer of music, movies, software, and other intellectual property.

**Illegal file-sharing and other copyright violations are a violation of Title 5 of the California Code of Regulations.**

#### IV. PRIVACY

The University recognizes that principles of academic freedom and shared governance, freedom of speech, and privacy hold important implications for the use of electronic communications systems and services. This Policy reflects these firmly-held principles within the context of the University's legal and other obligations. The University respects the privacy of electronic communications in the same way that it respects the privacy of paper correspondence and telephone conversations, while seeking to ensure that University administrative records are accessible for the conduct of the University's business.

##### **Limitations of Privacy**

It is not the intent of the University to examine or disclose electronic communication records without the holder's consent. However, under limited circumstances as described in this policy, the University may examine or disclose electronic communications records without the holder's consent.

An electronic communication holder's consent shall be obtained by the University prior to any access for the purpose of examination or disclosure of the contents of University electronic communications record in the holder's possession, except as provided below.

##### **Access without Consent**

The University shall permit the examination or disclosure of electronic communications records without the consent of the holder when (1) required by and consistent with law; (2) when there is substantial reason to believe that violations of law or of University policies have taken place; (3) when there are compelling circumstances; (4) under time-dependent, critical operational circumstances; or 5) to preserve records or information consistent with the University Litigation Hold policy.

##### **Automated Monitoring**

The right to privacy does not preclude system administrators from maintaining and monitoring system logs of user activity. Automated searches for files and transmissions that endanger privacy, confidentiality of data, system security or integrity are performed regularly to protect all users and ensure the continued availability of University electronic communications systems and services. System administrators may take appropriate actions in response to detection of such files or transmissions.



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## **Third Party Services**

University contracts with outside vendors for electronic communications services must explicitly reflect and be consistent with this Policy and other University policies related to privacy. Any third party organization providing contractors to the University shall be provided access to this policy for review prior to commencing work for the University.

## **V. SECURITY**

The University makes reasonable efforts to provide secure and reliable electronic communications systems and services. The University cannot ensure security of data transmitted over the Internet. Information submitted via the Internet may not be secure and could be observed by a third party while in transit. Submission of passwords, credit card numbers or other personal information via the Internet could result in identity theft.

Additionally, University Users and Public Users accessing the Internet should be aware that the Internet permits access to non-University users who are not subject to University policies, and may contain content materials, goods and services that individual users may find personally offensive or objectionable. The University does not have the right or capability to monitor or restrict Internet content. Therefore, the University disclaims any responsibility and liability for any conduct, content, materials or goods and services available on or through the Internet.

## **VI. RESPONSE TO POLICY VIOLATIONS**

When there is reason to believe that a violation of this policy has occurred, an investigation shall be conducted. User access to electronic communications systems and services may be temporarily suspended while an investigation is being conducted.

If the investigation involves faculty or staff members and warrants University action, an explanation of the causal events shall be reported to the appropriate Vice President. In cases involving students, the Office of Judicial Affairs and the Dean of Students Office shall be notified. Investigating officials shall examine charges of violations with due respect for individual privacy, the security of other users, and the rights of due process.

Violations of University policy may result in sanctions, including but not limited to, limitation or revocation of access rights and/or reimbursement to the University for any expense related to the violation, including costs associated with the detection and investigation of the violation, as well as from the violation itself. Violation of applicable statutes may result in criminal prosecution.

**FORMS:** NA



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## APPENDIX A – DEFINITIONS

**Compelling Circumstances:** Circumstances in which failure to act might result in significant bodily harm, significant property loss or damage, loss of significant evidence, or significant liability to the University or to members of the University community.

**Electronic Communications:** Any transfer of signals, writings, images, sounds, data or intelligence that is created, sent, forwarded, replied to, transmitted, distributed, broadcast, stored, held, copied, downloaded displayed, viewed, read, or printed by one or several electronic communications systems. For the purpose of this policy, an electronic file that has not been transmitted is not an electronic communication.

**Electronic Communications Records:** The contents of electronic communications created, sent, forwarded, replied to, transmitted, distributed, broadcast, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several electronic communications systems or services. This definition of electronic communications records applies equally to attachments to such records and transactional information associated with such records.

**Electronic Communication Resources:** Telecommunications equipment, transmission devices, electronic video and audio equipment; encoding or decoding equipment, computers and computer time, data processing or storage systems, computer systems, servers, networks, input/output and connecting devices, and related computer records, programs, software, and documentation that supports electronic communications systems and services.

**Electronic Communications Systems and Services:** Any messaging, collaboration, publishing, broadcast, or distributions system that depends on electronic communications resources to create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print electronic records for the purposes of communication across electronic communications network systems between or among individuals or groups, that is either explicitly denoted as a system for electronic communications or is implicitly used for such purposes.

**Holder of an Electronic Communications Record or Electronic Communications Holder:** An electronic communications user who, at a given point in time, is in possession or receipt of a particular electronic communications record, whether or not that electronic communications user is the original creator or a recipient of the content of the record.

**Matter:** Any book, magazine, newspaper, or other printed or written material, or any picture, drawing, photograph, motion picture, or other pictorial representation, or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction, or any other article, equipment, machine or material.

**Obscene Matter:** Defined in Section 311 of the Penal Code as any matter, taken as a whole, that to the average person, applying contemporary statewide standards, appeals to the prurient interest, that, taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, take as a whole, lacks serious literary, artistic, political, or scientific value.

The prohibition regarding obscene matter does not apply to accessing, viewing, downloading, or otherwise obtaining obscene matter for use consistent with legitimate law enforcement purposes, to permit the university to conduct an administrative disciplinary investigation, or for legitimate medical, scientific, academic, or other legitimate university purposes.

**Possession of Electronic Communications Record:** An individual is in possession of an electronic communications record, whether the original record or a copy or modification of the original record, when that individual has effective control over the location of its storage or access to its content. Thus, an electronic communications record that resides on an electronic communications system awaiting download to an addressee is deemed, for the purposes of this Policy, to be in the



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possession of that addressee. Systems administrators and other operators of University electronic communications system and services are excluded from this definition of possession with regard to electronic communication not specifically created by or addressed to them. Electronic communications users are not responsible for electronic communications records in their possession when they have no knowledge of the existence or contents of such records.

**Substantial Reason:** Reliable evidence indicating that violation of law or University Policy has occurred, as distinguished from rumor, gossip, or other unreliable evidence.

**Time-dependent, Critical Operational Circumstances:** Circumstances in which failure to act could seriously hamper the ability of the University to function administratively or to meet its teaching obligations, but excluding circumstances pertaining to personal or professional activities, or to faculty research or matters of shared governance.

**University Electronic Communications Record:** A Public Record in the form of an Electronic communications record, whether or not any of the electronic communications resources utilized to create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print the electronic communications record are owned by the University. This implies that the location of the record, or the location of its creation or use, does not change its nature (i) as a University electronic communications record for the purposes of this or other University policies, and (ii) as having potential for disclosure under the California Public Records Act. Until determined otherwise or unless it is clear from the context, any electronic communications record residing on university-owned or controlled telecommunications, video, audio, and computing facilities will be deemed to be a University electronic communications record for purposes of this Policy. This includes personal electronic communications. Consistent with the principles of least perusal and least action necessary and of legal compliance, the University must make a good faith a priori effort to distinguish University electronic communications records from personal and other electronic communications in situations relevant to disclosure under the California Public Records Act and other laws, or for other applicable provisions of this Policy.

**University Electronic Communications Systems and Services:** Electronic communications systems and services owned or operated by the University, auxiliary organization or provided through contracts with the University or auxiliary organization.

**Use of Electronic Communications systems and Services:** To create, send, forward, reply to, transmit, distribute, broadcast, store, hold, copy, download, display, view, read, or print electronic communications with the aid of electronic communication systems and services. An electronic Communications user is an individual or organization who makes use of electronic communications services.

The act of receipt of electronic communications records as contrasted with actual viewing of the record by the recipient is excluded from the definition of "use" to the extent that the recipient does not have advance knowledge of the contents of the electronic communications record.

**User:** University students, faculty and staff, emeritus and employees of the University's auxiliary organizations who have legitimate access University electronic communications resources. Users may also be persons or organizations who have legitimate access to University electronic communications resources under programs sponsored by the University and authorized by the