



Category
INFORMATION TECHNOLOGY RESOURCES– 1:08:00:00
Approval
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I. INTRODUCTION

- A. Faculty, students, and staff at Motlow State Community College routinely use college-owned computers, software, networks, and computerized information. This technology is used to further College-related educational activities. In addition, some individuals may have special administrative or technical responsibility for a computer, network, or database.
- B. The objectives of this policy include:
 1. to articulate the rights and responsibilities of persons using information technology resources owned, leased, or administered by Motlow State Community College;
 2. to protect the interests of users and Motlow State Community College; and
 3. to facilitate the efficient operation of Motlow State Community College information technology systems.

II. DEFINITIONS

"Information technology resources" or "IT resources" include computers and computer time, data processing or storage functions, computer systems and services, servers, networks, printers and other input/output and connecting devices, and related computer records, programs, software, and documentation.

"Personal or private for-profit use" shall mean a use of Motlow State Community College information technology resources which has as a primary objective financial gain of the user. Activities by a student, which are typical of the student job search process, (e.g. use of campus e-mail to contact potential employers or posting of one's resume on the college's website) are not to be considered personal or private for-profit uses.

"Public record" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. (Tennessee Code Annotated, Title 10, Chapter 7, Section 301 (6).)

III. SUPPLEMENTAL INSTITUTIONAL POLICIES & REGULATIONS

Motlow State Community College is authorized and encouraged to develop additional Institution-specific policies and regulations relating to the use of information technology resources, provided such policies and regulations are consistent with Federal and State law and with this and other policies of the Tennessee Board of Regents. In particular, Motlow State Community College may develop policies and regulations regarding

installation of non-standard software (including shareware, freeware, or software developed or purchased by the user) onto Motlow State Community College IT resources.

IV. CONFORMANCE WITH STATE POLICIES

This policy is intended to be fully consistent with the State of Tennessee Internet Acceptable Use Policy and the State of Tennessee Electronic Mail Acceptable Use Policy, as they currently exist or as they may be amended in the future, as well as with any other applicable policies regarding information technology systems which may be promulgated in the future by the State of Tennessee Department of Finance and Administration's Office of Strategic Technology Solutions (STS). To the extent that a discrepancy exists between this policy and State policy, State policy shall take precedence.

V. APPLICABILITY

This policy shall apply to all persons and organizations using the information technology facilities and resources owned, leased or administered by Motlow State Community College, including all persons employed (either as full-time, part-time or temporary employees or as independent contractors) by Motlow State Community College, and to all students enrolled at Motlow State Community College. Those provisions contained herein which apply solely to employees and independent contractors are so identified individually. Unless so identified, provisions contained herein apply equally to all persons and organizations covered by this policy.

VI. USER RESPONSIBILITIES

The following lists of user responsibilities are intended to be illustrative and not exhaustive. Subject to conformance with Federal and State of Tennessee law and with State of Tennessee and Tennessee Board of Regents policies, Motlow State Community College is authorized to supplement the user responsibilities contained herein.

A. ACCESS

1. Users shall obtain proper authorization before using TBR or Motlow State Community College information technology resources.
2. Users shall not use TBR or Motlow State Community College information technology resources for purposes beyond those for which they are authorized.
3. Users shall not share access privileges (account numbers and passwords) with persons who are not authorized to use them.
4. Users shall not use TBR or Motlow State Community College information technology resources in an attempt to access or to actually access computers external to the TBR or Motlow State Community College system when that access is not authorized by the computer's owner (no "hacking" allowed).

B. RESPECT FOR OTHERS

1. A user shall not attempt to obstruct usage or deny access to other users.
2. Users shall not transmit or distribute material that would be in violation of existing TBR or Motlow State Community College policies or guidelines using Motlow State Community College technology resources.
3. Users shall respect the privacy of other users, and specifically shall not read, delete, copy, or modify another user's data, information, files, e-mail or programs (collectively, "electronic files") without the other user's permission. Users should note that there should be no expectation of privacy in electronic files stored on the resident memory of a computer available for general public access, and such files are subject to unannounced deletion.
4. Users shall not intentionally introduce any program or data intended to disrupt normal operations (e.g. a computer "virus" or "worm") into Motlow State Community College information technology resources.
5. Forgery or attempted forgery of e-mail messages is prohibited.
6. Sending or attempts to send unsolicited junk mail or chain letters is prohibited.
7. Flooding or attempts to flood a user's mailbox is prohibited.

C. RESPECT FOR STATE OWNED PROPERTY

1. A user shall not intentionally, recklessly, or negligently misuse, damage or vandalize Motlow State Community College information technology resources.
2. A user shall not attempt to modify Motlow State Community College information technology resources without authorization.
3. A user shall not circumvent or attempt to circumvent normal resource limits, logon procedures, or security regulations.
4. A user shall not use Motlow State Community College information technology resources for purposes other than those for which they were intended or authorized.
5. A user shall not use Motlow State Community College information technology resources for any private or personal for-profit activity.
6. Except for those not-for-profit business activities which are directly related to an employee's job responsibilities or which are directly related to an organization which is affiliated with Motlow State Community College, a user shall not use Motlow State Community College information technology resources for any not-for-profit business activities, unless authorized by the President (or his/her designee).
7. Users shall at all times endeavor to use Motlow State Community College information technology resources in an efficient and productive manner, and shall specifically avoid excessive game playing, printing excessive copies of documents, files, data, or programs; or attempting to crash or tie-up computer resources.

D. ADDITIONAL RESPONSIBILITIES OF EMPLOYEES & INDEPENDENT CONTRACTORS

1. Users who are Employees and Independent Contractors shall not make use of Motlow State Community College information technology resources for purposes, which do not conform to the purpose, goals, and mission of Motlow State Community College and to the user's job duties and responsibilities.
2. Users shall not use Motlow State Community College information technology resources for solicitation for religious or political causes.

VII. NO UNLAWFUL USES PERMITTED

Users shall not engage in unlawful uses of the information technology system resources of the TBR or Motlow State Community College. Unlawful activities violate this policy and can subject persons engaging in these activities to civil and/or criminal penalties. This list of unlawful activities is illustrative and not intended to be exhaustive.

A. OBSCENE MATERIALS

The distribution and display of obscene materials is prohibited by the laws of Tennessee (see Tenn. Code Ann. § 39-17-902). Obscene materials are defined under Tennessee law (see T.C.A. § 39-17-901(10)) as those materials which:

1. The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
2. The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. Federal law (18 U.S.C. 2252) prohibits the distribution across state lines of child pornography.

B. DEFAMATION

Defamation is a civil tort that occurs when one, without privilege, publishes a false and defamatory statement, which damages the reputation of another.

C. VIOLATION OF COPYRIGHT

Federal law gives the holder of copyright five exclusive rights, including the right to exclude others from reproducing the copyrighted work. Sanctions for violation of copyright can be very substantial. Beyond the threat of legally imposed sanctions, violation of copyright is an unethical appropriation of the fruits of another's labor.

Pursuant to the Digital Millennium Copyright Act of 1998, the TBR designated agent for receipt of complaints of copyright infringement occurring with the use of Motlow State Community College information technology resources is the Tennessee Board of Regents Chief Information Officer. Motlow State Community College has designated the Vice President for Finance & Administration as the college's campus agent regarding complaints of copyright infringement. After review, the Motlow State Community College Vice President for Finance & Administration will forward complaints received to the TBR Chief Information Officer.

D. GAMBLING

Gambling, including that performed with the aid of the Internet is prohibited under Tennessee state law (see Tenn. Code Ann. § 39-17-502).

VIII. WORLD WIDE WEB HOME PAGES

The principles of use articulated above in Sections 6 and 7 are generally applicable to World Wide Web home pages. For example, use of Motlow State Community College information technology resources to post a web page for personal or private for-profit use is prohibited under Section 6.3.5. Illegal content in web pages stored on Motlow State Community College IT resources is prohibited under Section 6.2.2. Obscene content is prohibited under Section 7.1. Incorporation of copyrighted material, without either permission of the copyright holder or under a lawful exemption, is prohibited under Section 7.3.

IX. ADVERTISING

Use of Motlow State Community College information technology resources to promote or advertise activities or entities which are not related to Motlow State Community College, is prohibited unless such use is consistent with the mission of Motlow State Community College and results in substantial benefit to the college. The President is authorized to determine whether a given use is consistent with the mission of Motlow State Community College and results in substantial benefit to Motlow State Community College, consistent with other TBR Policies (in particular, TBR Policy 3:02:02:00). Sale of advertising in web-based versions of Motlow State Community College-affiliated student publications is specifically permitted.

X. MOTLOW STATE COMMUNITY COLLEGE MONITORING & INSPECTION OF ELECTRONIC RECORDS

Electronic records sent, received, or stored on computers owned, leased, or administered by Motlow State Community College are the property of Motlow State Community College. As the property of Motlow State Community College, the content of such records, including electronic mail, is subject to inspection by Motlow State Community College personnel. While Motlow State Community College does not routinely do so, Motlow State Community College is able and reserves the right to monitor and /or log all network activity of users without notice, including all e-mail and Internet communications. Users should have no reasonable expectation of privacy in the use of these resources.

XI. MOTLOW STATE COMMUNITY COLLEGE MONITORING, ADJUSTING & MODIFYING USER'S COMPUTERS

Computer Personnel, in the performance of their duties, reserve the right to monitor, adjust, and modify users' computer settings. Furthermore, if Computer Technicians determine that the user has installed software that hinders the performance of the computer, they should delete the software and inform the user of the problem. Computer Personnel may also remotely perform software updates and software installations. In all instances computer personnel should attempt to notify the user of this remote access.

XII. DISCLOSURE OF ELECTRONIC RECORDS

- A. Pursuant to the Tennessee Code Annotated, Title 10, Chapter 7, and subject to exemptions contained therein, electronic files (including e-mail correspondence) which are:
 1. generated or received by Motlow State Community College employees and
 2. either owned or controlled by the State or
 3. maintained using Motlow State Community College IT resources may be subject to public inspection upon request by a citizen of the State of Tennessee.
- B. Motlow State Community College personnel receiving such a request for public inspection should refer the request to the Vice President for Finance & Administration. Institutions may charge reasonable fees for making copies of such records, pursuant to T.C.A. §10-7-506. The charge for copies of printed material at Motlow State Community College is \$1.00 per page.
- C. While disclosure under T.C.A. Title 10, Chapter 7 applies to employees, disclosure of the electronic records of all users which are maintained using Motlow State Community College IT resources may be made pursuant to a valid subpoena or court order, when otherwise required by federal, state or local law, or when authorized by the President.

XIII. RETENTION OF ELECTRONIC RECORDS

Electronic records needed to support Institutional functions must be retained, managed, and made accessible in record-keeping or filing systems in accordance with established records disposition authorizations approved by the Public Records Commission and in accordance with TBR Guideline G-070, "Disposal of Records." Each employee of Motlow State Community College, with the assistance of his or her supervisor as needed, is responsible for ascertaining the disposition requirements for those electronic records in his or her custody. The system administrator is not responsible for meeting the record retention requirements established under T.C.A. Title 10, Chapter 7, and Motlow State Community College, as owner of electronic records stored on Motlow State Community College computers, reserves the right to periodically purge electronic records, including e-mail messages. Users who are either required to retain an electronic record, or who otherwise wish to maintain an electronic record should either:

- A. Print and store a paper copy of the record in the relevant subject matter file; or
- B. Electronically store the record on a storage medium or in an electronic storage location not subject to unannounced deletion.

XIV. ACKNOWLEDGEMENT

All institutional employees will be required to review and sign a Motlow State Community College Computer Account Request/Acceptable Use Form. This document will be retained by the Technical Operations department. All new employees will be provided the Acceptable Use Policy during New Employee Academy.

XV. USE OF COMPUTING RESOURCES FOR BONAFIDE RESEARCH

Persons engaged in the conduct of bona fide research which involves subject or source materials which may be considered obscene or otherwise prohibited by this protocol will be required to state, in writing, their need to

deviate from these prohibitions. A memorandum describing the research project will be submitted with the endorsement of their Department Head, to Technical Operations. This memorandum will be filed with the applicant's signed Motlow State Community College Computer Account Request/Acceptable Use Form.

XVI. LAPTOPS, PERSONALLY OWNED DESKTOP OR COMPUTERS PROVIDED BY EXTERNAL FUNDING

All computers connecting to the Motlow State Community College network, regardless of their location or source of funding, are subject to the terms of this policy and the Acceptable Use Policy as published in the Motlow Student Handbook.

XVII. EMAIL ACCOUNTS

All regular full-time employees as well as regular part-time, temporary part-time, and adjunct faculty if requested will have email accounts. Prior to an email account being created, a "Computer Account Authorization" form available from Technical Operations or Human Resources must be completed.

Employees terminated not in good standing will have email and computer access deleted immediately upon notification from the Human Resources Office.

Adjunct Faculty email accounts will be reviewed annually to determine if they are still under contract.

Exception: Faculty who are granted emeritus status will continue to have access to campus email.

Student email and computer accounts will be created periodically during the year based upon application to the college. This timeline will allow prospective students to do online activities associated with registration, financial aid, etc. Student email accounts can be suspended as part of a disciplinary sanction. Suspension of student email accounts is under the purview of the Vice President for Student Affairs.

XVIII. DIGITAL/ELECTRONIC SIGNATURES & TRANSACTIONS

Motlow State Community College must comply with the Tennessee Uniform Electronic Transactions Act (T.C.A. §47-10-101 et seq.) This Act permits the use of electronic signatures and electronic transactions under certain circumstances.

- A. In order to be legally enforceable, an electronic signature must meet the following two criteria.
 1. An electronic signature must be attributable (or traceable) to a person who has the intent to sign the record or contract with the use of adequate security and authentication measures that are contained in the method of capturing the electronic transaction (e.g., use of personal identification number or personal log-in identification username and password) (T.C.A. §47-10-109) (If Public Key Infrastructure technology ("PKI") is to be used in the creation of the digital signature, contact TBR Chief Information Officer prior to implementation.)
 2. The recipient of the transaction must be able to print or store the electronic record of the transaction at the time of receipt. (T.C.A. §47-10-109)
- B. The use of electronic/digital signatures in compliance with state and federal laws is permitted.