

Alpena Community College

Acceptable Use Rules and Regulations **as Condition for Privilege of Using Information Technology Resources**

The use of Information Technology (IT) resources is a privilege, not a right. The College places responsibilities on users as a condition of their utilizing such resources. In general, acceptable use means using the IT resources of the College in a responsible, ethical, and legal manner and respecting the rights of other users, the integrity of the digital and physical equipment and systems and all pertinent license and contractual agreements. Acceptable use includes, but is not limited to the following:

1. Federal, State, and Local Laws

Users of the IT resources must abide by all federal, state, and local laws. This includes adherence to any and all licenses and contracts entered into by the College and observation of applicable copyright law.

2. Rules and Regulations Promulgated by MIS Department

- a. All software loaded on College computers must be approved by the appropriate College administrators and all licenses must be on file in the MIS office unless otherwise expressly authorized by the MIS Department.
- b. Users shall abide by all reasonable rules and regulations modified and announced by the Department of Management Information Systems (MIS) from time to time as necessary and proper for the efficient administration and use of IT resources. Such rules and regulations shall be published on the ACC website and shall be accessible to all users.

3. Merit Acceptable Use Policy

Users shall abide by the *Acceptable Use Policy of Merit Network, Inc.*, referred to as the *Merit Acceptable Use Policy* which can be found at http://www.merit.edu/policies/acceptable_use.php which is incorporated by reference in its entirety in the *ACC Acceptable Use Rules and Regulations*.

4. Alpena Community College Policies

Use of the IT resources is subject to compliance with other ACC policies, and such resources shall not be used in a manner which violates other ACC policies; including but not limited to employment policies, sexual harassment policy, and student conduct policies. In addition, these rules and regulations are subject to the College's Americans with Disabilities Act Compliance Policy.

5. Prohibition of Commercial or Unauthorized Use

All information and resources covered by these rules and regulations are intended for use by students, faculty, staff and other authorized users in furtherance of College purposes. Any commercial use of those resources, in any form, for a purpose unrelated to College purposes

is expressly forbidden. Users are expressly forbidden from using College IT resources for commercial advertisements and solicitations.

6. Prohibited Conduct and Examples of Unacceptable Use

The following conduct and use is unacceptable and prohibited. This is not intended to be an exhaustive or all-inclusive list but is rather intended to provide guidance and examples of unacceptable use.

It is a violation of the *Acceptable Use Rules and Regulations* to:

- a. Share user passwords with other individuals.
- b. Access, without authority or permission, the passwords, accounts and electronic files of others.
- c. Construct and send electronic communications that appear to be from someone other than the actual user, except as part of a class curriculum.
- d. Use, send or display electronic communication in a manner which is defamatory or which constitutes harassment or threatens or intimidates another. This may include material that is obscene or sexually explicit. Electronic communication with other users or outside parties that is repeated and unwanted may constitute harassment. A user who receives unwanted e-mail or other forms of communication should notify the sender that the communication is unwanted.
- e. Violate copyright and software license agreements.
- f. Install any program on ACC computers without approval of administration or the MIS Department.
- g. Knowingly or carelessly running or installing on any computer system or network, or giving to another user a program intended to damage or place excessive load on a computer system or network. This includes programs known as computer viruses or worms.
- h. Use the College's trademarks, logos, insignia, or other copyrights without prior approval of appropriate College staff.
- i. Use IT resources for plagiarism or other academic and scientific misconduct.
- j. Use IT resources to commit an illegal act, crime or fraud.
- k. Violate IT resource security systems.
- l. Destroy or damage equipment, software, or other systems owned by the College or other individuals or deliberately attempting to degrade such systems.
- m. Use IT resources to engage in inappropriate mass mailings, including but not limited to, spamming.
- n. Perform any act that interferes with the normal operation of the IT resources.
- o. Use the IT resources for any other purpose that is illegal, unethical, dishonest, causes damage to the College, or is likely to subject the College to liability.

7. Violation of the Acceptable Use Rules and Regulations

Violation of the *ACC Acceptable Use Rules and Regulations* may result in the restriction and possible loss of network privileges and also in disciplinary action in accordance with these rules and regulations and other relevant College policies and procedures. Violations which constitute a violation of the law may also result in civil or criminal action

Suspected violations of the *ACC Acceptable Use Rules and Regulations* should be reported in writing to one of the Co-Directors of the Management and Information Systems (MIS) of the College within a reasonable time period following the alleged violation. The MIS Co-Directors have authority to investigate allegations of violations and determine whether a violation of the *ACC Acceptable Use Rules and Regulations* has occurred. In the event the MIS Co-Directors determine that a violation has occurred, they may impose sanctions including restriction or suspension of the user's privileges to use IT resources.

A reasonable attempt should be made to impose non-punitive sanctions, except where serious violations warrant a more serious penalty. In carrying out such authority, the MIS Co-Directors shall act in accordance with the following procedures, but also reserve the right to act as necessary and appropriate to avoid situations where injury to others, property damage to others, or a violation of the law is deemed likely to occur.

Sanctions which may be imposed for violation of the *Acceptable Use Rules and Regulations* will be commensurate with the severity and/or frequency of the offense and may include, but are not necessarily limited to, the following:

- a. Warning: alerting a user to the violation, transmitted electronically or in writing to the user, with the understanding that any additional violation will result in a greater penalty.
- b. Restriction, Suspension or Termination of IT resource privileges: limitation or removal of IT resource privileges, either temporarily for a definite period or termination for an indefinite period of time. Limitation or loss of privileges may occur after the user has been provided notice and warning, or immediately in the case of an emergency.
- c. Restitution for damages: requiring reimbursement for the costs of repair or replacement of computer-related material, equipment, hardware, software, data and/or facilities. In addition, such reimbursement shall include, but not necessarily be limited to, the cost of additional time spent by College employees due to the violation.
- d. Reporting and Referral for further disciplinary or legal action: Whenever sanctions, other than a verbal warning, are imposed for violation of the ACC Acceptable Use Rules and Regulations, the matter shall be reported by the MIS Co-directors to a Vice-President or President of the College who shall determine whether any further disciplinary action is appropriate and, if so, shall proceed in accordance with applicable College policies and procedures.

The above sanctions are in addition to any legal sanctions that may be imposed for violation of federal, state or local law, which may subject the violator to civil suit or criminal prosecution.

Due Process will be afforded to any user who is subject to a sanction, other than a verbal warning, under these rules and regulations. The specific process afforded in each instance shall be commensurate with the seriousness of the sanction imposed and shall take into account other relevant factors including the status of the individual affected by the sanction (e.g., faculty member, student, employee, volunteer or other user), the applicable disciplinary code, rules, contracts and agreements to which the user is subject (e.g.,

personnel policies, student conduct policy, employment contracts, collective bargaining agreements), and the risk of injury or damage to persons or property caused by the alleged violation. At a minimum, any individual whose privileges are restricted, suspended or terminated shall be given written notice of the alleged violation, an opportunity to respond to the alleged violation and an opportunity to appeal an adverse decision. Termination or suspension of privileges shall be effected only *after* the appropriate due process has been afforded, except in those situations where immediate suspension of privileges is necessary to protect others from injury or damage.

8. No Expectation of Privacy

Users should be aware that there exists no expectation of privacy in their electronic communication. ACC may be required under public records law, subpoena, investigation or other law to release information transmitted using IT resources. While the College does not generally monitor or limit content of information transmitted through the use of its IT resources, the College reserves the right to review any material stored on College equipment or technology and may edit or remove any material that is determined to be a violation of the *ACC Acceptable Use Rules and Regulations*. However the College has *no duty* to review, monitor, edit, and remove this material. The use of the College's IT resources constitutes a waiver of the user's privacy as to his/her use of the resources.

9. Disclaimer of Liability

The College does not warrant that the functions of this system will meet any specific requirements that the user may have, or that the service will be error free or uninterrupted. Nor shall the College be liable for any indirect, incidental, or consequential damages (including, but not limited to, lost data, information, or profits) sustained or incurred in connection with the use, operation, or inability to use the system.

While the College reserves the right to monitor and remove any content that is in violation of the *ACC Acceptable Use Rules and Regulations*, the College is not a publisher of material placed on the network by users and has no duty to monitor the content of this material. Users who violate the *ACC Acceptable Use Rules and Regulations*, other College policies, the *Merit Acceptable Use Policy*, federal, state, and local laws, including (but not limited to) copyright or license infringement and slanderous conduct shall be personally liable for their actions.

January 8, 2013