

MANUAL OF POLICY

POLICY NUMBER

VII- I

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POLICY TITLE:

USE OF COMPUTING RESOURCES AT MIAMI-DADE COMMUNITY COLLEGE

LEGAL AUTHORITY:

THE FAMILY AND EDUCATIONAL PRIVACY ACT OF 1974; COPYRIGHT ACT OF 1974; COMPUTER CRIMES ACT, FLORIDA STATUTES (F.S.) CHAPTER 815; FLORIDA SEXUAL PREDATORS ACT, F.S. CHAPTER 775.21; PUBLIC RECORDS F.S. 119; THE US PATRIOT ACT of 2001.

DATE OF BOARD ACTION:

6/17/97 and 6/28/02

PURPOSE:

To inform the College's students, faculty, staff, retirees, alumni, and guests who have been authorized to use components of the College's Information Systems and Technological Resources ("Computing Resources") (defined below) of their rights and responsibilities as users of those resources (Collectively, this group shall be referred to as "Users"). Unauthorized uses of the College's Computing Resources are prohibited.

POLICY STATEMENT:

The College maintains Computing Resources to support its instructional and administrative functions. Computing Resources include, but are not limited to, mainframe computer systems; personal computers; minicomputers; file servers; printers; workstations; local area networks; the wide area network; Internet access terminals; disks, tapes and other storage media; software; software applications; electronic mail, including attachments to electronic mail messages; voice communications infrastructure; instructional laboratories; and, with regard to the aforementioned, all associated tools, instruments, and facilities.

The College provides access to Computing Resources as a privilege to Users. As with all privileges, the use of the College's Computing Resources comes with responsibilities. Users may use only the component(s) of the College's Computing Resources that they have been specifically authorized to use. The College requires that all Users access and utilize the aforementioned services in an ethical and legal manner. Further, Users of the College' Computing Resources must conduct themselves in a manner that reflects respect for the rights of other Users, that protects the safety and integrity of data, physical facilities, equipment, and all other contractual agreements in effect governing the College's Computing Resources.

When using the College's Computing Resources, Users must comply with all applicable federal, state, and local laws, rules, and regulations and all applicable College policies, procedures and rules, including, but not limited to, those specifically delineated in Personnel policies and procedures and Student Activities and Services policies and procedures (collectively "Laws"). Incidents of abuse or misuse of the College's Computing Resources by members of the College community will be reported to the appropriate Campus President, Vice Provost, or area head. Users who violate this Policy are subject to penalties up to and including loss of privileges to use the College's Computing Resources, suspension and/or dismissal. Illegal actions involving the College's Computing Resources may be reported by the appropriate College authority to the appropriate local, state, or federal law enforcement agency for

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investigation and possible prosecution. In addition, those conducting illegal activities using the College's Computing resources may be subject to remedies sought by third parties whose intellectual property, or other rights, are violated.

COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

Any unauthorized use of materials protected by copyright or other intellectual property rights is prohibited by this Policy and by the Laws. Generally, intellectual property includes copyrights, patents and trademarks. Copyright is the most common intellectual property right encountered in the computer and electronic area and it includes items such as software, musical compositions, videos, images, films, and other files. Unauthorized copying of materials protected by copyright is prohibited by federal law (Title 17, U.S. Code) and by this Policy and could subject the violator to civil liability and/or criminal prosecution. For example, downloading software, music or music files (such as and including but not limited to, mp3, avi files), images or image files (such as and including but not limited to, tiff or .jpeg files), or any other files or information that is or may be owned by another, using the College's Computing Resources, without authorization may be copyright infringement. Unless the User is certain that the User has a legal right to download, copy or use the materials, downloading, copying or using any material described in this paragraph is prohibited.

Users of the College's Computing Resources who download any software, files, materials or information of any type using the College's Computing Resources:

- Must comply with all terms of any software license agreements, end user license agreements, terms of use, privacy policies and any other agreements or policy that a User has notice of (collectively "License Agreements").
- Must be aware that copyright protection includes, but is not limited to, computer software, recordings of songs, graphic art, photographs, images, films, videos, and that using material that is protected by copyright is illegal, unless the User has received express permission from the owner of the copyright, or if the material is explicitly labeled as being in the Public Domain.
- Must not copy or download any materials protected by copyright, such as software, songs image files or other similar materials, for any purpose outside those allowed by the License Agreement that pertains to such software, songs or image files.
- Must not make software, songs, image files or other similar materials available for others to use or copy in violation of the License Agreement.
- Must not accept software, songs, image files or other similar materials from any third

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party which has not been licensed for your use.

- Must not install or direct others to install illegal copies of software, songs, image files or other similar materials onto any College-owned or operated Computing Resources.
- Must not download, install, use or direct or assist others to download, install, or use software specifically designed to share or download material, including but not limited to, any peer to peer software, file sharing or file swapping software or any gnutella client or gnutella software, with out explicit written permission of the copyright owner. Examples of such software include KAZAA, MORPHEUS, WINMX.

ADDITIONAL LIMITATIONS ON USE

It shall be a violation of this Policy for a User to use the College's Computing Resources for any unauthorized or improper purpose including but not limited to the following:

- Any activity or behavior that violates any of the College's codes or policies, including this Policy.
- Using any computer as a server without authorization from the College.
- Any commercial advertising or commercial purpose not expressly authorized by the College.
- Solicitation of contributions for political, charitable or other causes not authorized by the College.
- Any personal activities not authorized or sponsored by the College.
- Using any Computing Resource to harass anyone.
- Sending chain letters, spamming, (distributing unsolicited email or advertisement to users) or denial of service attacks.
- To attempt to defeat any security on any computer or system or to spread any computer virus.
- Any criminal activity.
- Any conduct that violates local, state or federal law.
- Any unethical or immoral conduct, such as using the College's Computing Resources to access child pornography.
- Unauthorized reproduction or use of any College, names, trademarks and/or logos.
- Accessing or reviewing the files, information, or data of other individuals for improper purposes or without the required authorization.

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Any information (email, data files, etc.) stored on Miami-Dade Community College's Computing Resources is the property of the College, except for information covered by licenses or other intellectual property rights. Therefore Users of the College's Computing Resources, including but not limited to, electronic and voice systems, should not expect privacy. The College reserves the right to monitor and access its information systems. Further, the College reserves the right to limit, suspend or rescind the access of any user for any reason determined to be in the best interests of the College, including, but not limited to, emergency situations; violations of any applicable law, College policy, or regulation.

Users of the College's Computing Resources are prohibited from hiding their identities or using someone else's identity when using any of Computing Resources. Users are also prohibited from providing any passwords, ID's or other means of access to anyone. Each means of access to a Computing Resource is specific to an individual user and shall not be shared with anyone.

Further guidelines governing the use of the College's Information Systems and Technological Resources are provided in applicable College Procedures and other related technical manuals. The College's policies and procedures and the federal and state laws and Florida Statutes referenced in this Policy can be found in the Campus libraries and on the College's web site.