

6.02 ACCEPTABLE USE OF TECHNOLOGY RESOURCES

Approved by Administrative Council on August 8, 2006

As a state agency, Yakima Valley College (YVC) is responsible for overseeing the appropriate use of technology resources and ensuring compliance with state law. This document is intended to provide college authorized users and other users of college resources with guidelines for responsible and appropriate use of technology resources. Additional policies, procedures, and standards may also apply to the use of state assets. YVC reserves the right to determine, at any time, what constitutes appropriate use of state resources.

This procedure applies to all YVC personnel who may be authorized to use YVC technology resources. It shall apply to the use of all technology resources as defined in this document and/or as defined by state or federal law.

It is not the intent of this document to limit academic freedom, but to provide an appropriate framework for the proper exercise of those freedoms. Furthermore, it is not the intent of this procedure to impinge on the intellectual property rights of authorized users.

Specific YVC administrative procedures such as [6.01 YVC Information Technology Security](#), [6.03 Acceptable Use of YVC Computers](#) and [6.04 Acceptable Use of the YVC Network and Data Management Systems](#) supplement this procedure.

Public resources are entrusted by the State of Washington to YVC authorized users to further the public interest. Misappropriation of any YVC technology resources, equipment, services, or personnel for personal benefit undermines this trust and impedes fulfillment of the YVC mission.

At the same time, legitimate need exists for occasional, but limited exceptions to this general procedure. Where the use of YVC technology resources is reasonable in light of the legitimate needs and expectations of the YVC work force, neither the public trust nor campus efficiency suffers to any significant degree.

This procedure assumes that all YVC authorized users will act honestly, responsibly and with good judgment to protect public resources and to fulfill the responsibilities identified in RCW 42.52 – Ethics in Public Service, which states

"...authorized users of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage."

The foundation for this trust is grounded in the personal responsibility of each YVC employee.

Use of YVC Technology Resources – General Exceptions

The use of YVC state resources shall be for the purpose of facilitating the

exchange of information and furtherance of education, research, and administration missions of the college. The use of YVC state technology resources will be consistent with the purposes and objectives of YVC, the community and Technical College system (see [Washington State Executive Order 91-10, Sec. III \[A\]](#)) and [RCW 42.52](#)). The expectation of the Ethics in Public Service Act is that authorized users may not use YVC technology resources, including any person, money or property, for private benefit or for the gain of the employee or any other person. (See also [YVC Board Policy 1.05 – Standards of Ethical Conduct](#))

However, some general exceptions have been defined:

1. Public Benefit

If there is a public benefit, infrequent and incidental use of state technology resources may be permissible.

- a. A public benefit under this rule may be direct or indirect, such as improving employee morale, promoting organizational effectiveness, or activities that improve the work-related job skills of a YVC employee.
- b. A public benefit may also include the use of equipment and facilities for a variety of uses by an external group or entity as governed under the WAC, subject to stipulated contractual obligations. This use should substantially relate to and not interfere with the mission of the college.

2. Personal Use

YVC allows personal use of YVC technology resources by authorized users consistent with WAC 292-110-010 (3) and WAC 292-110-010 (6), unless such use is otherwise prohibited by policy.

Authorized users may make occasional, but limited, use of YVC technology resources only if all the following conditions are met:

- a. There is little or no cost to the State (de minimis):
 - The cost to the State is de minimis if the actual expenditure of state funds is so small as to be insignificant or negligible;
- b. Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- c. The use does not interfere with the performance of the user's official duties;
The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- d. The use does not disrupt other state authorized users or authorized users and does not obligate them to make a personal use of technology resources;
- e. The use does not compromise the security or integrity of state property, information, or software.
- f. The use does not result in personal or private gain (example: Cannot use electronic communication equipment to track stock markets, purchase goods, etc.)

Examples of these permissible uses are given on the Washington State Executive Board Web site at http://www.ethics.wa.gov/292_110_120_WAC.html.

Use of YVC Technology Resources – Specific Exceptions

Authorized users may make occasional, but limited, use of telephone services, computers, electronic messaging systems, and Internet access for their personal benefit, provided the use conforms to the conditions set forth in the **Personal Use** section of this document.

1. Use of Telephones

YVC-owned telephones are provided to YVC authorized users for conducting state business.

- a. Authorized users are not permitted to make personal long-distance calls that would result in charges to YVC. Authorized users in travel status may place brief (10 minutes or less) calls to their homes and families to communicate safe arrivals and changes in itinerary.
- b. Authorized users, while not in official travel status but in the field, may make personal use of a state-owned cell phone without violating RCW 42.52.160 so long as the usage fits into the de minimis category, is not used for private business enterprise or political purposes and is not prohibited by agency policy to call home and inform family members of a change in plan or work hours.

YVC-leased cellular phones may be provided to YVC employees who have a demonstrated business need as defined under [YVC's Administrative Procedure 1.38 Cellular Telephone](#).

- a. YVC-leased cellular phones and services are to be used to conduct college business only.
- b. Because cellular transmissions are not secure, employees should refrain from using them to relay confidential information.

Further guidelines for the personal use of state-owned wired and cellular telephones are provided under the Personal Use and Prohibited Uses sections of this document.

2. Use of Computers

All YVC-owned computers, including but not limited to, desktops, laptops, personal digital assistants, and data applications, as well as all servers and all other hardware, are provided to YVC authorized users for conducting college business.

- a. Authorized users using YVC-owned computers must follow all expectations of the YVC Administrative Procedures;
 - [6.03 Acceptable Use of YVC Computers](#)
 - [6.04 Acceptable Use of the YVC Network and YVC Data Management Systems](#)

- b. Further guidelines for the personal use of state-owned computers are provided under the Personal Use and Prohibited Uses sections of this document.

3. Use of Electronic Messaging Systems

YVC electronic message systems are provided to YVC authorized users as a means to conduct College business.

- a. Authorized users using YVC-owned electronic messaging systems must follow all expectations of the YVC Administrative Procedures;
 - [6.03 Acceptable Use of YVC Computers](#)
 - [6.04 Acceptable Use of the YVC Network and YVC Data Management Systems](#)
 - [6.05 Electronic Messaging and Retention](#)
- b. Further guidelines for the personal use of state-owned electronic messaging systems are provided under the Personal Use and Prohibited Uses sections of this document.
- c. Because electronic message systems may not be secure, authorized users should refrain from using them to relay confidential information.

4. Use of the Internet

Access to the Internet is provided to YVC authorized users as research, teaching and communication tool for conducting college business. Authorized users may also make use of instant messaging, provided that use is in compliance with this policy.

- a. Authorized users using the Internet from YVC-owned systems must follow all expectations of the YVC Administrative Procedures;
 - [6.03 Acceptable Use of YVC Computers](#)
 - [6.04 Acceptable Use of the YVC Network and YVC Data Management Systems](#)
- b. Further guidelines for the personal use of the Internet using state owned resources are provided under the Personal Use and Prohibited Uses sections of this document.
- c. The Internet may not be secure. Authorized users should take this into account before receiving or transmitting information and messages.

Prohibited Uses

The use of YVC technology resources is strictly intended for use by YVC authorized users. This prohibits others, such as family members and friends, from using YVC-controlled technology resources for any purpose. Additionally, the state specifically prohibits certain use, including:

1. Any use for the purpose of supporting, promoting or soliciting for an outside organization, group or business, unless provided for in this procedure under General Exceptions, by law or authorized by the YVC President, or designee.
2. Use that promotes personal business interests or conducts private employment.
3. Any use that constitutes political campaigning or lobbying, whether for an individual, a private business, non-profit organization or a political party, except as noted below. This includes participating in or assisting in an effort to lobby the State Legislature or a state agency head. (see RCW 42.17.190, RCW 42.52.180)
 - a. College facilities may be used for purposes of political campaigning—directed to members of the public—by or for candidates who have filed for public office, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited. No person may solicit contributions on college property for political purposes, except where this limitation conflicts with federal law regarding interference with the mail.
4. Use for personal political advocacy, or the promotion of personal religious organizations.
5. Commercial uses, such as advertising or selling.
6. Personal use of YVC E-mail distribution lists.
7. Any illegal or unethical activity.
8. Infringement of copyrights.
9. Any form of harassment, including sexual harassment.
10. Discrimination on the basis of race, creed, color, marital status, religion, sex, national origin, age, veteran’s status, sexual orientation, or because of the presence of any sensory, mental or physical disability.
11. Accessing, downloading or disseminating any information that a reasonable person would deem inappropriate for the workplace, such as pornography or racist materials.
 - a. This restriction does not prohibit such access or retention of such materials if they are being used for a specific academic purpose.
12. Downloading of software or files via the Internet for personal use.
13. Any activity using excessive network band-width, such as downloading music. Authorized users are prohibited from such non-business activities, even if the use is brief in duration or occur infrequently, because it compromises YVC’s network and legitimate business activities. Note: this prohibition does not apply to students when being done as directed by a faculty member for specific educational purposes.

14. Private use of any state property removed from YVC, even if there is no cost to the state.
 - a. YVC technology resources authorized for use at home for official purposes are subject to the same ethics expectations as would be applicable if the authorized user were located in a YVC facility or other official duty station.

Private use of any consumable state property, such as paper, envelopes, or spare parts, even if the actual cost to the state is de minimis.

Responsibilities

Confidentiality, Retention and Access to Public Records: All YVC employees should be aware that electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. An electronic record is reproducible and is therefore not private. Such records are considered writings and all writings may be public records, subject to disclosure under Washington's Public Disclosure Act ([see RCW Chapter 42.17](#)) or may be disclosed for audit or legitimate YVC operational or management purposes. All records and information generated and stored on electronic message systems are kept according to state approved retention schedules ([see RCW Chapter 40.14](#); [YVC Administrative Procedure 1.34 Records Management Program](#), and [6.05 Electronic Messaging and Retention](#)). The Public Disclosure Law provides for the release of public records upon request. In its preamble, the law states

"...full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society."

Any kind of activity or business conducted by a YVC employee using state resources is considered to be a public record and is subject to disclosure, whether that use is made in their conduct of official duties or is a use made for a purpose other than the conduct of official duties.

While there are exceptions to the requirement of disclosure, state law favors broad disclosure of public documents. Questions about public records or employee privacy issues should be referred to the College's Public Records Officer ([see also YVC Administrative Procedure 2.08 Public Records Requests](#)).

Education records of students attending the college are confidential and can only be released in accordance with the Family Education Rights and Privacy Act of 1974 (FERPA) and the administrative rules of the College. Questions about student records should be referred to the college's Dean of Student Services.

Logging and Monitoring: YVC has the right to log and monitor the use of YVC technology resources and to ensure their appropriate use for business-related or educational privileges. This may include, but is not limited to, review of computers, file server space, user accounts and all electronic documents. YVC authorized users should not expect privacy in their use of YVC technology resources.

Monitoring of Electronic Messaging Systems: Yakima Valley College will monitor electronic messages only under the following guidelines:

1. If the Director of Technology Services (and/or his/her staff) who is responsible for the implementation, operation and maintenance of electronic message systems, needs to do so to monitor the flow, not the specific content, of electronic messages.
2. If, through other gathered facts, there has been established sufficient cause to investigate the misuse of the system, or during the course of investigations where there is reason to believe illegal or inappropriate (as defined by policy) activity.

If the college is required to access an employee's electronic messaging system pursuant to the Right to Access described in the [YVC Administrative Procedure 6.04 Acceptable Use of the YVC Network and Data Management Systems](#), Human Resources will be responsible for providing the necessary information to the appropriate supervisor(s) and/or administrator(s).

Procedure Maintenance:

- **Technology Services (TS)**
The primary responsibility for maintenance and administration of this procedure rests with the Director of Technology Services. TS is responsible for drafting any updates and changes to this procedure, with input from the Director of Human Resources. After appropriate campus review and final approval by the President, TS will publish any new or revised procedure, providing a brief description of the procedure and its implications for employees and other affected individuals or groups.

Sanctions: Violation of any of the provisions of this procedure will be dealt with in the same manner as violations of other college policies, procedures or standards, and may result in disciplinary review. In such a review, the full range of disciplinary sanctions is available, including:

- Disciplinary action – Any disciplinary action will be taken in accordance with appropriate Human Resources procedures; and /or applicable collective bargaining agreements
- Dismissal from the college;
- Referral to the Washington State Ethics Board; and /or
- Legal action.

Some violations of this procedure may also constitute a state, local or federal criminal offense.

DEFINITIONS

- **YVC Technology Resources:** Include, but are not limited to, desktop, laptop or mainframe computer hardware or software; software licenses; workstations; data systems; personal digital assistants; electronic messaging systems; electronic messaging systems; pagers; telephones— both wired and cellular; SCAN services; voice mail systems; fax machines; YVC network resources, whether wire-based or wireless; Internet connections, accounts or access; state contracts; documentation photocopiers; facilities; vehicles, credit cards; supplies; and state mail services.
- **De Minimis:** The use of technology resources is considered de minimis if the

actual expenditure of state funds is so small as to be insignificant or negligible, any such use of the resource is brief in duration, occurs infrequently and is the most effective use of time or resources, if the use does not disrupt or distract from the conduct of state business due to volume or frequency, the use does not disrupt other state authorized users and does not obligate them to make a personal use of state resources; and the use does not compromise the security or integrity of state property, information or software.

- **Electronic Messaging Systems:** Include, but are not limited to, electronic mail systems, such as E- mail, that store and transmit communications; voice mail systems which store and transmit communications; pagers that store and transmit communications; facsimile and imaging equipment that store and transmit images; and all similar systems.
- **Internet:** Includes, but is not limited to, the connection to and the use of interconnected networks in public and private domains to access the World Wide Web, E-mail, file transfer protocols, and other state network resources.
- **Official Duties:** Those duties within the specific scope of employment of YVC employees as defined by Yakima Valley College, by statute, or by the Washington State Constitution.
- **Public Record:** Includes, but is not limited to, any writing (as defined below) containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. [[RCW 42.17.020\(36\)](#)]
- **Writing:** Includes handwriting, typewriting, printing, photostatting, photographing, and every other means of recording, any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. [[RCW 42.17.020 \(42\)](#)]

RELEVANT LAWS AND OTHER RESOURCES

Revised Code of Washington <http://apps.leg.wa.gov/rcw/>
 Washington Administrative Code <http://apps.leg.wa.gov/wac/>
 Washington State DIS IT Security Policy <http://isb.wa.gov/policies/security.aspx>
 Washington State DIS IT Security Audit Standards <http://isb.wa.gov/policies/security.aspx>
 Washington State Ethics Board <http://www1.leg.wa.gov/LEB/>

Revision Log

Date	By	Notes

Procedure Contact: Director of Technology Services