Policy/Procedure #: BP3720  
Policy/Procedure Name: Computer, Electronic Communication, and Network Use

☐ New  ☐ Revised  ☒ Replaces existing policy/procedure: 2115, Technology Use Policy

New policy/procedure or revisions initiated/proposed by: Information Technology  
Reason for new policy/procedure or revisions: Compliance

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<th>Reviewing Group</th>
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Routed to:
- Council: Technology Development 11/13/13  
- Academic Senate President 11/13/13 11/27/13  
- HCFA President 11/13/13 11/27/13  
- CSEA President 11/13/13 11/27/13  

| Forward by:                      |        |
|                                  |        |

College Planning Council 3/19/14  
Approved as presented ☐  
Approved with changes ☒  
Not approved ☐  

Comments: The CPC reviewed and discussed at four consecutive meetings in February and March 2014

Council: Technology Development 11/27/13  
Approved as presented ☒  
Approved with changes ☐  
Not approved ☐  

Comments:

Hartnell College Faculty Association NR  
Approved as presented ☐  
Approved with changes ☐  
Not approved ☐  

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**ANTICIPATED TIMELINE**

| Board of Trustees first reading to occur on: | March 2014 |
| Board of Trustees consideration to occur on: | April 2014 |

Additional comments:
BP 3720   Computer, Electronic Communication, and Network Use

References:   Education Code Section 70902; 17 U.S. Code Sections 101 et seq. Penal Code Section 502; Cal. Const., Art. 1 Section 1; Government Code Section 3543.1(b); Accreditation Standard III.C.2, Government Code § 6250

The District owns and operates computer and electronic communication systems that support the District’s mission of providing instruction and support services to students. The District explicitly prohibits individuals from using its computer systems and networks to violate intellectual property and copyright laws. All users of District information technology resources shall secure appropriate prior permission to download and/or distribute protected material in any form, including computer software, text, photographic images, graphic illustrations, video, and audio including music.

The District encourages the use of information technology resources and makes them widely available to the District community. Nonetheless, the use of information technology resources is limited by restrictions that apply to all District property and by constraints necessary for the reliable operation of electronic systems and services. The District reserves the right to deny access to its information technology resources when necessary to satisfy these restrictions and constraints.

Anyone who uses District information technology resources and the information they contain, and related resources, has a responsibility to use those resources in an acceptable manner and to respect the rights of others. The superintendent/president shall establish administrative procedures that provide guidelines to users for the appropriate use of the District’s information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other users of information technology.

See Administrative Procedure 3720.

Approved by the Board of Trustees: ______________
HARTNELL COLLEGE

2000 SERIES GOVERNING BOARD POLICIES

D. OTHER

2115 Technology Use Policy

Purpose

Hartnell Community College District (“Hartnell”) owns and operates a variety of computer and communication systems provided for use by Hartnell’s students, faculty, and staff. Hartnell encourages the use of this technology for educational purposes, including research, discussion, academic development, public service and other educational uses consistent with the mission of Hartnell. This policy is intended to identify authorized uses and prohibited uses of Hartnell computer and communication systems.

Access to Computer and Communication Systems

Access and privileges to Hartnell’s computer and communication systems must be authorized by the appropriate Hartnell administrator. Eligible individuals may become authorized users of Hartnell computer and communication systems by following the approval steps for the specific system. Users may not, under any circumstances, transfer their access or privileges to another individual or otherwise permit or facilitate any unauthorized use by other individuals. Users are responsible for protecting their password, and are responsible for obtaining a new password from Hartnell in the event they have reason to believe their password is being used by another individual.

Authorized Use

Users of Hartnell’s computer and communication systems are authorized and encouraged, to use this technology for educational purposes, such as research, discussion, academic development, public service and other educational uses consistent with the mission of Hartnell. As with other means of communication at Hartnell, faculty, staff and students are expected to meet general standards of professional and personal courtesy and conduct in their use of technology resources. Hartnell, as an institution of higher education whose purpose is primarily teaching and learning, zealously seeks to protect free speech and inquiry as essential to the learning process. Faculty, staff and students are encouraged to exercise their constitutional free speech rights in their use of Hartnell computer and communication systems to the extent such use is not prohibited by this policy.

Prohibited Use

The following uses of Hartnell’s technology resources are prohibited:

(a) Violation of Law. Any use of Hartnell’s technology resources which is in violation of federal, state or local law, or which is in aid to or furtherance of the violation of federal, state or local law, is prohibited. This includes, but is not limited to, the violation of copyright and other intellectual property laws.
(b) **Misuse of Hartnell’s Technology Resources.** Knowingly exceeding one’s authorized use access and privileges, depriving other users of resources or access to computer systems or downloading destructive files or programs is prohibited. Using a false identity on Hartnell’s technology resources is also prohibited. E-mail may, however, be sent anonymously provided this does not violate any law, and does not interfere with District operations. As an example, an e-mail user may use a pseudonym applicable to him or her (a so-called e-mail name).

(c) **Misuse of Other Technology Resources.** Knowingly bypassing or penetrating any Internet security measures, including gaining entry or “hacking” into systems, whether of Hartnell or others, or accessing restricted material without authorization is prohibited. Users shall not, while accessing any other organization’s network or computing resources through Hartnell’s system, knowingly or recklessly violate that organization’s rules for use of its network or computing resources.

(d) **Commercial Activities.** Hartnell’s technology resources exist for educational purposes and may not be used for any commercial activities for personal financial gain, whether on behalf of individuals or for-profit entities, unless expressly authorized by Hartnell in writing.

(e) **Obscene Material.** Accessing, uploading, downloading, transmitting, producing, storing or viewing of any obscene material is prohibited. Obscene material includes “harmful matter” as defined by California Penal Code section 313, meaning “matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.” Although Hartnell may install filtering software designed to prevent access to such material, such software is not 100% effective, and therefore users should not assume that access to any particular material is permissible because it has not been filtered.

(f) **Defamatory/Harassing/Threatening Material.** Creation or transmission of material which is defamatory, harassing or threatening toward another person is prohibited. Using Hartnell’s technology resources to violate the legal privacy rights of any individual is also prohibited.

(g) **Vandalism.** Any malicious attempt to harm or destroy anyone else’s data, or any attempt to deprive other users of network services or computers is prohibited. This includes, but is not limited to, the creation and uploading/downloading of viruses or Trojan horse programs, unauthorized tampering with the control panel settings of computers, or physical damage to any machine. Vandalism will result in the loss of computer access, disciplinary action, and legal action.

(h) **Junk Mail.** The use of Hartnell technology resources for the mass mailing of “junk mail” is prohibited.

(i) **Misrepresentation of Authorization.** A user is not allowed, without authorization, to assert that he or she represents Hartnell College while using Hartnell technology resources. Additionally, users are affirmatively required to promptly correct any person’s mistaken belief regarding whether the user represents Hartnell College.
(j) **Food or Drink Prohibited.** Users of Hartnell’s technology resources generally accessible to the public, such as computer labs, may not possess or consume any food or drink, including water, while using such resources or within the immediate vicinity of the technology equipment.

(k) **Other rules.** Any use of Hartnell’s technology which would constitute a violation of any other Hartnell rule or regulation is prohibited. Also prohibited is any use which knowingly or recklessly assists, supports or promotes another person’s use of Hartnell technology resources in violation of these rules.

**Authorized Use by Minors**

Hartnell students under the age of eighteen, by accepting the benefits of authorized use of the College’s technology resources, acknowledge that material inappropriate for minors is accessible on the Internet; that various wrongdoing, such as identity theft, invasion of privacy and fraud, may occur on the Internet, and that their use of the Internet may therefore expose them to a variety of risks of harm to person or property. By using Hartnell’s technology resources, minors and their parents accept responsibility for any and all risks thereof and acknowledge that Hartnell shall not be responsible for any harm or damage resulting from such use.

**Confidentiality**

Hartnell reserves the right to access and inspect any and all information stored on Hartnell’s technology resources, without notice to the user, including any electronic files, machines, e-mails, data or records of usage. In order to encourage compliance with this policy, Hartnell specifically reserves the right to carry out random inspections of the communications and information accessed or stored by any and all users of Hartnell’s technology resources. In addition to purely random inspections, Hartnell may also carry out inspections based upon excessive or unusual usage, or by any other non-discriminatory indicator of potential misuse of technology resources. Hartnell may contract with an outside consultant to perform any such inspections.

**Web Pages**

Hartnell College has established and presently maintains a web site which includes information regarding Hartnell’s mission and purpose, courses, faculty and staff, students, and such other information and resources as the Hartnell administration determines is appropriate for inclusion. The use of Hartnell technology resources for the creation of individual web pages, whether for official or personal purposes, shall be subject to the following requirements:

(a) **Establishing Official Web Pages.** The Hartnell administration may authorize a process for the creation and maintenance of official web pages by Hartnell faculty, staff, or departments of the College, or student organizations. Official web pages must be approved by the designated Hartnell administrator and the content should be consistent with the general style and content of the Official Hartnell web site. The addition or modification of material to official web pages must also be approved by the designated Hartnell administrator prior to the posting of such content. Material appropriate for placement on official web pages includes administrative and academic information for specific departments or student organizations, faculty, staff or class information, or relevant reference information.
(b) **Establishing Personal Web Pages.** The Hartnell administration may authorize the creation and maintenance of personal web pages by students, faculty or staff. Personal web pages must be for educational purposes, including research, discussion, academic development, public service and other educational uses consistent with the mission of Hartnell, and must otherwise comply with the requirements of this technology use policy. The creation of personal web pages must be authorized by the appropriate administrator and proposed content may be reviewed for compliance with this policy. In addition to the requirement that the content of personal web pages comply with this policy, any sites to which the personal web page links must be consistent with this policy.

(c) **Personal Web Page Disclaimer.** Personal web pages must include the following notice: “This is a personal web page. Any opinions expressed on this page are not those of Hartnell College, nor does Hartnell guarantee the accuracy or appropriateness of any information contained on this page, nor any information linked to by this page.”

**Additional Guidelines**

Hartnell retains the right to revoke, amend or supplement the provisions of this policy. Additionally, specific rules and guidelines may be established by Hartnell administrators, as needed, to address any specific problems as they arise relating to security of the system, as well as administrative matters.

**Violations**

Violations of this policy will be handled in the same manner as violations of other District policies and may result in disciplinary action, up to and including loss of technology access and privileges, dismissal from Hartnell and/or legal action.

**No Warranties**

Hartnell makes no warranties of any kind, whether expressed or implied for the technology services it is providing. Hartnell will not be responsible for any damages suffered while on this system. These damages may include, but are not limited to, loss of data, inability to complete work due to system downtime, and loss of privacy. Use of information obtained via the Internet is at your own risk. Hartnell specifically disclaims any responsibility for the accuracy of information obtained through its services.

**Implementing Procedures**

The Superintendent/President shall develop procedures necessary to implement this policy. These procedures shall be located in the Office of the Associate Vice President for Educational Technology and Library Services.

**References:** 18 U.S.C. §§ 2701-2710

18 U.S.C. §§ 2510-2520

**Adopted:** 4-01-03