

La Salle University
Computing and Information Technology Resources
Acceptable Use and Privacy Policy

I. Policy Scope

This Acceptable Use and Privacy Policy (“Policy”) outlines: (1) the standards for acceptable use of La Salle University’s (“La Salle” or “University”) computing and information technology resources (“I.T. Resources”), which include, but are not limited to: servers, equipment, software, systems, networks, data, and stationary and mobile communication devices whether owned, leased, or otherwise provided by La Salle; and (2) notice that use of the University’s I.T. Resources, which are provided for the staff, faculty and students who are currently enrolled at La Salle, is not confidential or private.

This Policy applies to all users (“Users”) of La Salle University’s I.T. Resources and to all uses of those Resources, whether on campus or from remote locations and whether carried out on University-owned or privately-owned computers. The term “Users” includes, but is not limited to: University faculty, staff, students, guests, and external individuals or organizations, whether affiliated with La Salle or not. All Users must be aware of and follow this Policy.

The University recognizes that access to information facilitates better and faster decision making, improves effectiveness, saves time, and most importantly provides all University constituents with consistent and up-to-date information. Therefore, La Salle encourages access to information by all members of the University community, provided such access does not compromise security; jeopardize the integrity and accuracy of information; violate this Policy or other policies of the University (including those in the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities); and/or violate individuals’ right to privacy.

II. User Understanding And Consent

A. User Understanding Regarding No Expectation Of Privacy

The University’s I.T. Resources are the private property of La Salle, and all Users are expressly on notice that use of the University’s I.T. Resources *IS NOT* private or confidential. *LA SALLE EXPRESSLY CAUTIONS THAT NO USER OF THE UNIVERSITY’S I.T. RESOURCES SHOULD HAVE ANY EXPECTATION OF PRIVACY WHILE USING THE UNIVERSITY’S I.T. RESOURCES.*

La Salle is required to obey applicable federal, state and local laws; ensure that the University’s mission and objectives are being upheld; protect the rights of all Users; and protect the property and operations of the University. Therefore, La Salle expressly reserves the right to review, access, copy or view any programs, files, communication, software, or other information located on or stored within the University’s I.T. Resources, including individual login sessions and communications, without notice, unless expressly prohibited by law. Such an examination might be necessary to: comply with legal or regulatory requirements; maintain or improve functioning of technology resources; investigate potential violations of University policies or federal or state laws; or if otherwise necessary to carry on the University’s necessary operations. Under normal circumstances, the Chief Information Officer and the individual’s dean/director or vice president, must approve in advance any individual inspection, other than that which is voluntary, required by law, or necessary to respond to emergency situations. Upon discovery of

evidence of criminal activity or serious violations of this or any other University policy, the Assistant Vice President for Administration, Planning and Affirmative Action will be immediately notified and contact the appropriate reporting head and University's Counsel, when necessary. La Salle, in its discretion, may use or disclose the results of any such inspection, including the contents and records of individual communications, as it considers appropriate to University personnel, third parties, or law enforcement agencies.

Accordingly, all Users are on notice that any information stored on or transmitted through the University's I.T. Resources may be accessed, copied and viewed by La Salle without further notice. Furthermore, the normal operation and maintenance of the University's I.T. Resources require backup and caching of data and communications, logging of activity, monitoring of general use patterns, and other such activities that are necessary to provide service.

The University is the owner of the data and information stored and maintained on its I.T. Resources, and their dissemination and use should comply with policies set by the University. The University assumes no responsibility for the loss or recovery of personal files.

B. User Consent To This Policy

Using La Salle's I.T. Resources constitutes full agreement and understanding of this Policy, and Users are bound by the most recent version of this Policy. La Salle reserves the right to modify this Policy without permission or consent of its Users.

La Salle reserves the right to immediately disconnect any computer that is sending disruptive signals to the University's I.T. Resources network, whether because of a defective cable, Ethernet card or other hardware or software problems. Any data stored on La Salle's I.T. Resources lab computers by unauthorized personnel is subject to deletion without prior notice.

III. Purpose Of This Policy And Concurrent Applicability Of Other La Salle Policies

La Salle acquires, develops, and maintains its I.T. Resources to support the University's instruction, research, and service missions; University administrative functions; student and campus life activities; and the free exchange of ideas among members of the University community and between the University community and the wider local, national, and world communities. In making its I.T. Resources available to Users to support the education, research, and service missions of the University, La Salle has a responsibility to protect the University and its students from illegal or damaging actions, intentional or unintentional, committed through the use of the University's I.T. Resources. All members of the La Salle community are expected to use the University's I.T. Resources, like the use of any other University-provided resources and like any other University-related activity, in a manner that: is efficient, ethical, professional, legal, academically honest; is in keeping with La Salle University's mission, values and objectives; and shows community awareness in the consumption of shared resources.

This Policy supplements and augments, but does not supersede, other relevant University policies, rules or regulations. For this reason, all users of the University's I.T. Resources must consider La Salle's existing policies, as well as this Policy, in considering appropriate uses of University I.T. Resources. For example, a User who sends an e-mail that sexually harasses another person violates both this Policy and the University's sexual harassment policy. For other University policies, please reference the La Salle University Data Confidentiality policy and the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities.

IV. User Responsibilities

The University is subject to numerous federal and state laws and regulations that protect the privacy and security of certain types of information stored on La Salle's I.T. Resources, and Users of La Salle's I.T. Resources have an obligation to act in accordance with such laws and regulations, as well as with the La Salle University Data Confidentiality Policy and other policies, rules and regulations of the University. Furthermore, Users have a responsibility not to abuse those Resources and to respect the rights of members of the La Salle community as well as the University itself. All Users must respect the privacy of other Users and their accounts, regardless of whether those accounts are securely protected. Users are expected to use only those I.T. Resources for which he or she has authorization, and the I.T. Resources must be used only for their intended purposes. Violations of this Policy include, but are not limited to:

1. Failing to take best efforts to maintain the security of your I.T. Resources password and accounts
2. Sharing accounts, passwords, and access to the University's I.T. Resources (All Users are responsible for their uses of La Salle's I.T. Resources on and off campus, and for ensuring that their systems are maintained and used so they do not endanger, impede access to, or threaten the privacy or security of others' information or systems)
3. Using another individual's electronic identity, password or account for I.T. Resources without appropriate authorization, or misrepresenting a User's identity
4. Intercepting or reviewing without authorization any network communications, or otherwise attempting to defeat network or system security
5. Misusing La Salle's I.T. Resources, networks, applications or software to interfere with University I.T. Resource services to other Users in any way, or preventing others from accessing authorized I.T. Resource services (including but not limited to developing or using programs that may cause problems or disrupt services for others)
6. Removing or modifying any University-owned or administered equipment or data without authorization
7. Using I.T. Resources to deceive, harass, or stalk an individual, or display, download, post, view, print or send any sexually explicit, harassing, obscene, pornographic or offensive material
8. Sending threats, "hoax" messages, "spamming" or other unwanted mail or messages; or otherwise causing excessive network traffic or computing load
9. Making University systems and resources available to those not affiliated with La Salle
10. Using access to University systems and resources for purposes other than those directly related to job responsibilities or educational purposes. However, University personnel who have been authorized to use I.T. Resources may also use such Resources for reasonable personal use to the extent that such reasonable personal use does not interfere with work duties and to the extent that such reasonable personal use otherwise complies with the terms of this policy. The University expects all personnel to use sound and responsible judgment and to maintain appropriate standards while using I.T. Resources.
11. Creating, distributing or propagating computer viruses, worms, or other damaging code
12. Using University resources to obtain or make unlawful or unauthorized copies of copyrighted material such as music, videos, DVDs, software, and other protected items

13. Using University I.T. Resources fraudulently (*e.g.*, scams, phishing, spoofing or other misrepresentations)
14. Corrupting, misusing, altering, or destroying University information without authorization
15. Using University I.T. Resources in a way that violates University contracts, such as software and other licensing agreements
16. Using University I.T. Resources in a way that suggests University endorsement of any product, service, political candidate or ballot initiative
17. Using applications that occupy an unusually large portion of bandwidth for extended periods of time (*e.g.*, misusing mailing lists, propagating chain letters or virus hoaxes, spamming, bombing)
 - Users must respect the finite capacity of the I.T. Resources and limit use to the extent needed for authorized activities, so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other Users. La Salle may require Users to limit or refrain from specific uses in accordance with this principle. The University will judge the reasonableness of any particular use in the context of all of the relevant circumstances.
18. Unlawfully downloading, copying or distributing copyrighted materials
19. Using or distributing password guessing programs, cracking tools, packet sniffers and port monitors
20. Installing or operating wireless access points or network server services such as DHCP, DNS, NNTP, POP, SMTP, and WINS
21. Using La Salle I.T. Resources for commercial or profit-making enterprise or for personal financial or other gain
22. Using La Salle I.T. Resources to host a web page for any business, including private consulting practices (*note*: non-commercial student web pages are permitted)
23. Storing data as a student on the hard drives of the University's lab computers (*note*: University faculty and staff may, however, do so)
24. Using, copying, accessing without authorization, divulging, distributing or making other unlawful and unauthorized use via University I.T. Resources of sensitive and personally-identifying information ("Sensitive Information") belonging to other persons, in a manner that violates the Federal Trade Commission's Red Flags Rule ("Rule").
 - The Rule implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 that aims to detect, prevent and mitigate identity theft.
 - Sensitive Information includes but is not limited to a person's: credit card number (in whole or in part); credit card expiration date; cardholder name; cardmember ID; cardholder address; checking/savings account number; bank routing number; social security number; business identification number; employer identification number; payroll information; direct deposit data; pay reports; pay advices; date of birth; address; phone number; maiden name; official state or government issued driver's license; alien registration number; government passport or visa number; tax returns; W-2s; statement of public assistance benefits received; names; and prior names. (For more details and guidance on the provisions of the Rule, visit <http://www.ftc.gov/bcp/edu/microsites/redflagsrule/index.shtml>.)

25. Using the University's I.T. Resources to violate one or more provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g) and 34 C.F.R. Part 99 ("FERPA"). FERPA is a federal law protecting the privacy and security of "student education records," which are records, files, documents, and other materials that contain information directly related to a student.
 - Users may not use I.T. Resources to access, copy, distribute or make other unlawful and unauthorized use of FERPA-protected student education records, examples of which include but are not limited to: academic transcripts, graduation lists, student disciplinary records, student health records, loan disbursements, Free Applications for Federal Student Aid ("FAFSAs"), institutional aid applications, work-study payroll records, records relating to eligibility and disbursement of federal student aid funds and other records created and maintained by the University's financial aid office. (For more details and student guidance on the provisions of FERPA, visit <http://ed.gov/policy/gen/guid/fpco/ferpa/students.html>.)
26. Using the University's I.T. Resources to violate one or more provisions of the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. Parts 160 and 164) ("HIPAA"), which are federal privacy regulations protecting the privacy and security of individually identifiable health information
 - Users may not use I.T. Resources to access, copy, distribute or make other unlawful and unauthorized use of HIPAA-protected records, examples of which include but are not limited to medical insurance policy numbers; insurance claims, prescriptions and physician names. (For more details on HIPAA, visit <http://www.hhs.gov/oct/privacy/hipaa/understanding/index.html>.)
27. Using the University's I.T. Resources to violate one or more provisions of the University's Data Confidentiality Policy
 - Users may not use I.T. Resources to access, copy, distribute or make other unauthorized use of data restricted by University policy or practice, data designated as "official-use only," "non-public" and/or "proprietary," or data entrusted to the University under a reasonable expectation of privacy. Examples of which include but are not limited to student, alumni, employee and donor names, home and campus addresses, phone numbers, email addresses, places of birth and mother's maiden names, and University ID numbers. (For more details, visit <http://link TBD.lasalle.edu>)
28. Using I.T. Resources for any purpose that is illegal, immoral, unethical, dishonest, damaging to La Salle's reputation, inconsistent with the University's mission and values, or likely to subject La Salle to harm (Examples include but are not limited to: (a) terroristic threats; (b) promoting a pyramid scheme; (c) committing copyright infringement; (d) violation of federal and/or state laws regarding defamation, privacy, copyright, trademark, obscenity and child pornography; (d) violation of the Electronic Communications Privacy Act (18 U.S.C. § 2510, *et seq.*), which sets out the provisions for access, use, disclosure, interception and privacy protections of electronic communications; and/or (e) violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030), which prohibits "hacking," "cracking," and similar activities)

The foregoing list provides an overview of prohibited abuses and mis-uses of University I.T. Resources without exhaustively detailing all such prohibited abuses and mis-uses. Suspected abuses and mis-uses of La Salle I.T. Resources and alleged violations of any provision of this

Policy will be investigated by the University Chief Information Officer, or his/her designee, except for any allegations that may fall within the University's Sexual Harassment Policy or Grievance Procedure. Decisions about whether a particular use of I.T. Resources conforms to this Policy shall be made by the Provost's Office if the use involves faculty; by the Office of Student Affairs if the use involves students; and by the Office of Human Resources if the use involves staff. Any prohibited abuse or misuse of University I.T. Resources will be subject to appropriate disciplinary action according to the policies set forth in the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities.

V. Prohibitions Against Copyright Infringement

The copying, distribution or sharing of copyrighted works (including music, videos, and digital copies of textbooks) without permission is known as "copyright infringement," "pirating" or "illegal file sharing." Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (17 U.S.C. §§ 101, *et seq.*). These rights include the right to reproduce or distribute a copyrighted work. Downloading or uploading substantial parts of a copyrighted work without permission or legal authority constitutes a copyright infringement.

Users should be aware that federal and state copyright laws govern the copying, sharing, distribution, use, and display of copyrighted material. This Policy and other University policies outlined in the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities also strictly prohibit copyright infringement by Users. Federal and state penalties for copyright infringement include civil and criminal punishment, including but not limited to: actual damages; statutory damages; penalties; attorneys' fees; costs; injunctions; impounding and disposition of infringing articles; and/or imprisonment. Users who infringe a copyright are also subject to disciplinary action under this Policy and the La Salle University Handbook, up to and including expulsion (for students) and termination of employment (for faculty and staff). La Salle is required by law to investigate claims of possible copyright infringement taking place through its I.T. Resources.

For more details on what is a copyright, what a copyright protects, how long a copyright lasts, how to obtain permission to use another person's copyrighted work, how to find out who owns a copyright for a certain work, the legality of downloads from peer-to-peer networks, a list of songs and movies in the public domain, whether a school may show a movie without obtaining permission from the copyright owner and how much of another person's work may be used, visit www.copyright.gov/help/faq.

The law permits use of some copyrighted material for certain educational purposes, but an educational purpose does not necessarily guarantee that the use is permitted without authorization. La Salle University prohibits using its I.T. Resources to copy, use, or distribute copyrighted materials unless such use is permitted by law or permission has been granted by the copyright owner.

A. Designated Agent for Digital Millennium Copyright Act Claims

Pursuant to Title II of the Digital Millennium Copyright Act ("DMCA"), all claims of copyright infringement for material that is believed to be residing on the University's I.T. Resources should be promptly sent in the form of written notice to the University's agent designated under the DMCA ("DMCA Agent"). La Salle's DMCA Agent responds to reports alleging copyright infringements on La Salle's I.T. Resources:

Chief Information Officer
Designated Agent for DMCA Notices
La Salle University
1900 West Olney Avenue
Philadelphia, PA 19141
Phone: 215-951-1046
Email address: nickerso@lasalle.edu

All claims must include the following information:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single on-line site are covered by a single notification, a representative list of such works at that site;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material;
4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and if available, an electronic mail address at which the complaining party may be contacted;
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

For more information on the DMCA, visit: www.copyright.gov/legislation/dmca.pdf.

B. La Salle's Plan to Combat Copyright Infringement

Pursuant to certain amendments to the Higher Education Act of 1965, 20 U.S.C. §§ 1001, *et seq.* ("HEA"), the University endeavors to combat copyright infringement by educating Users about copyright infringement and inappropriate use of I.T. Resources, by prohibiting illegal file sharing and by informing Users of the procedures for handling unauthorized distribution of copyrighted material. As part of its HEA compliance, La Salle also endeavors to provide Users and other members of the University community with information about numerous legal sources of music, videos, books and other copyright material. For a comprehensive list of legal sources of music, videos, books and other copyrighted material, see www.educause.edu/legalcontent. Additional downloading sources include: www.shoutcast.com; www.radiotower.com; www.epitonic.com; www.fingertipsmusic.com; www.mtvu.com; www.soundclick.com; and www.archive.org.

C. Acceptable Use Of Electronic Resources Licensed By La Salle

Users' access to electronic resources licensed by the University is governed by license agreements, which restrict use to members of the La Salle community and to individuals who use the University's I.T. Resources. Each User has the responsibility to ensure that he or she uses these electronic resources and products consistent with applicable license and contract terms and, in any event, only for individual, noncommercial use without systematically downloading,

distributing, or retaining substantial portions of information. With respect to I.T. Resources that are part of the University's library system, acceptable use normally forbids downloading contents of entire issues of a given journal title absent permission or legal authority. The use of software such as scripts, agents, or robots, is generally prohibited and may result in loss of access to these resources for the entire La Salle community.

VI. Violations Of This Policy And Penalties For Non-Compliance

The University considers any violation of this Policy to be a significant offense. La Salle will monitor all Users' compliance with this Policy through a variety of methods, both technological and otherwise. La Salle has the right to control or refuse access to the University's I.T. Resources to anyone who violates this Policy or who threatens the rights of other Users. Alleged violations of this Policy will be pursued in accordance with the appropriate disciplinary procedures for faculty, staff, and students as outlined in the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities. Violations of this Policy, depending on their severity, may result in penalties that include: the temporary or permanent loss of access to some or all IT-Resources, pending investigation and resolution of the suspected Policy violation; review by the University disciplinary system, with appropriate penalties to be determined, including but not limited to suspension or expulsion (for students); or employment termination (for faculty and staff). In addition to University discipline, Users may be subject to criminal prosecution for unlawful use of any La Salle University I.T. Resources.

Along with the disciplinary action set forth in the La Salle University Personnel Manual and Student Guide to Resources, Rights and Responsibilities, violators may also face I.T. Resource-specific penalties, including temporary or permanent loss of some or all I.T. Resources privileges. Moreover, any offense that violates federal, state or local law may result in fines, arrest, litigation, imprisonment, or other government-imposed penalties.

VII. Questions About This Policy

Please direct questions regarding this policy to:

Chief Information Officer
La Salle University
1900 West Olney Avenue
Philadelphia, PA 19141
Phone: 215-951-1046
Email address: nickerso@lasalle.edu