

One means of recognizing the problems with this document is to substitute the term "paper" for "IT" or any other technological item. Paper is also a technology, and the control issues herein become obvious through the substitution. Also note that the use of inaccurate technology claims was a problem addressed in the previous, successful grievance concerning similar issues. The document is either disingenuous or seriously flawed in such claims.

An especially valuable overview of current attacks on academic freedom via IT issues is available at [www.insidehighered.com/news/2014/06/13/aaup-conference-sessions-focus-academic-freedom-relation-social-media#sthash.M2kreF7x.34EPsq0i.dpbs](http://www.insidehighered.com/news/2014/06/13/aaup-conference-sessions-focus-academic-freedom-relation-social-media#sthash.M2kreF7x.34EPsq0i.dpbs)

Why doesn't the document recognize that IT must be consistent also with contract, especially regarding academic freedom, pedagogy. The document and its companion piece are framed in negative, control terms.

Note that it is called "non-public" but that admin has claimed that "outsiders" misuse the network. More importantly, how can technology be a forum? It facilitates communication just as does paper, but neither is itself a forum. The distinction has to be preserved to protect genuine forums whose values/rights are protected by the contract.

Who determines what constitutes an educational and/or scholarly activity? The IT Department and its technicians? Faculty? Administrators?

Does this mean that MC resources are to be only used for college business? If I send a personal email on or through MC property, am I violating this "rule"? This is not without precedent—WSU faculty was persecuted under a rule similar to this. See link below for B-21

## Macomb Community College Administrative Policies Acceptable Use of Information Technology Resources

### I. Purpose

This policy is designed to guide students, faculty and staff in the acceptable use of computer systems, networks, and other information technology resources at Macomb Community College.

### II. Guiding Principles

A. Non-public Forum. Information technology (IT) at Macomb Community College is a non-public forum. The College reserves the right to restrict access to and the use of information technology resources in a manner consistent with federal and state law.

B. Creativity Encouraged. The College community is encouraged to make innovative and creative use of information technologies in support of educational, scholarly, and administrative purposes.

C. Copyrighted Materials. Macomb Community College recognizes the importance of copyright and other protections afforded to the creators of intellectual property. Users are responsible for making use of software and other information technology resources in accordance with copyright and licensing restrictions and applicable College policies. Using information technology resources in a manner violating these protections, or furthering the unauthorized use or sale of protected intellectual property, is prohibited.

D. Offensive Material. Macomb Community College cannot protect individuals against the receipt of potentially offensive material. Those who use electronic communications occasionally may receive material that they might find offensive. Those who make personal information available about themselves through the Internet or other electronic media may expose themselves to potential invasions of privacy.

E. Use IT Wisely. Information technology resources are provided to support the College's scholarly, educational, and administrative activities. Information technology resources are limited, and should be used wisely and with consideration for the rights and needs of others.

F. Privilege, Not a Right. The use of Macomb Community College computer systems, networks and other information technology resources is a privilege, not a right, and inappropriate use of such resources may result in suspension or termination of privileges and/or other discipline.

### III. User Responsibilities

A. Protect your Password. Users are expected to use computer and network resources in a responsible manner. Users should take appropriate precautions to ensure the security of their passwords and prevent others from obtaining access to their computer resources. Convenience of file or printer sharing is not a sufficient reason for sharing computer accounts and passwords.

B. Prohibited Practices. The following behaviors are prohibited while using College information technology resources, including computers and networks owned or operated by Macomb Community College, or to which Macomb Community College is connected.

1. Modifying system or network facilities, or attempting to crash systems or networks;
2. Using, duplicating or transmitting copyrighted material without first obtaining the owner's permission, in any way that may reasonably be expected to constitute an infringement, or that exceeds the scope of a license, or violates other contracts;
3. Tampering with software protections or restrictions placed on computer applications or files;
4. Using College information technology resources for personal for-profit purposes;
5. Impersonating another user or otherwise falsifying a user name in email;

See previous grievance; this is part of the one-sided view of technology where the obligation to supply a service. The policy is framed only to control faculty and not to state the obligations -- reflecting the rights of faculty and students and the mission of college -- that IT must serve.

note the similarity to the Kansas case (see <http://associationsnow.com/2014/05/academic-groups-raise-concerns-over-social-media-policies-in-kansas/>) This is an exceptionally dangerous claim because, again, it asserts a vague phrase, "hinders the effectiveness of the university."

Who approves that, and how do they define "pornography"? Note that this also contradicts I D.

These are legitimate, useful tools. Like a keyboard or word processor, they may be part of some misuse, but a default exclusion of them is arbitrary. See <http://gigaom.com/2014/06/16/bittorrent-distributes-more-than-100-million-legal-and-promotional-downloads/> for a summary of these regular, legal, and common uses. The confusion of contractual/legal rights and the need for bandwidth is misleading. Note how these security

This seems to raise first amendment issues.

A faculty member may not use a non-macomb account to communicate, e.g. with students? On what authority is such a policy made? Give the exclusion of specific file types, e.g., zip files, this seems problematic.

6. Degrading or disrupting the network, hindering access to the network, or otherwise excessively using resources in a manner which effectively denies service to other users;

7. Sending chain letters, junk mail, "spam," "flaming," "mailbombs," or other similar types of broadcast messages;

8. Sending a message to more than ten (10) internal or external email addresses except as required to conduct College business;

9. Using information technology resources in a manner that is disruptive of the workplace or educational purpose of the College, or which otherwise hinders the effectiveness of the institution;

10. Using information technology resources to access, store, or transmit pornographic material unless such use is approved and for legitimate academic purposes;

11. Sending messages that are malicious or that a reasonable person would find to be harassing or threatening;

12. Subverting restrictions associated with computer accounts;

13. Using information technology resources to obtain unauthorized access to records, data, or other forms of information owned, used, possessed by, or pertaining to the College or individuals;

14. Accessing another person's computer account without permission. Users may not supply false or misleading data, or improperly obtain another's password to gain access to computers or network systems, data or information. Obtaining access to an account name or password through the negligence or oversight of another is considered to be a specifically prohibited use;

15. Intentionally introducing computer viruses, worms, Trojan Horses, or other rogue programs into information technology resources that belong to, are licensed to, or are leased by Macomb Community College or others;

16. Physically damaging information technology resources;

17. To help prevent copyright violations, minimize the risk to college PCs and network from malware such as spyware, viruses, adware or other privacy-invasive software,

and to protect against excessive bandwidth use, the use of Peer to Peer (P2P) file sharing software, including, but not limited to, Kazaa, Morpheus, Direct Connect, LimeWire, Gnutella, Bearshare, eDonkey and BitTorrent, is prohibited on any device using the college network. The appropriate vice president or provost may grant an exception to the policy upon a showing of a legitimate academic or college business purpose in compliance with United States copyright law, with appropriate review by general counsel;

18. Using, or encouraging others to use, information technology resources in any manner that would violate this or other College policies or any applicable state or federal law;

19. Falsely reporting or accusing another of conduct that violates this policy, without a good faith basis for such an accusation;

20. "Copying student and/or confidential college data, SSN's, credit card numbers or similar sensitive information to a portable mass storage device (i.e. thumb/jump/flash drive, portable hard drive, "SD" card, MP3 player, CD or DVD)."

21. Using personal e-mail accounts for official College business. Faculty and staff must use their College-issued e-mail account for all College related correspondence.  
C. College Image. Users should remember that information distributed through the College's information technology resources may be considered a form of publication. Although Macomb Community College

vague language; see the Kansas case. Who makes these free-speech determinations? The naiveté. See also the recent attempts to intimidate faculty at WSU: <http://www.dailykos.com/story/2011/03/29/961329/-Conservative-think-tank-Mackinac-Center-FOIAs-labor-faculty-at-3-major-Michigan-universities#>

not having the right in the first place means that it cannot be "reserved." Does the college examine MCCFO files? Files on personal devices that claim the right to install software on? Vague language.

does not take responsibility for material issued by individuals. users must recognize that third parties may perceive anything generated at Macomb Community College as in some manner having been produced under Macomb Community College auspices. Accordingly, users are reminded to exercise appropriate language, behavior, and style in their use of information technology resources.

#### IV. Policy Administration

A. College Access to Your Files. The College encourages all members of its community to use electronic resources in a manner that is respectful of others. While respecting users' privacy to the fullest extent possible, the College reserves the right to examine any computer files. The College reserves this right for bona fide purposes, including, but not limited to:

1. enforcing policies against harassment and threats to the safety of individuals;
2. protecting against or limiting damage to College information technology resources;
3. complying with a court order, subpoena or other legally enforceable discovery request;
4. investigating and preventing the posting of proprietary software or electronic copies of texts, data, media or images in disregard of copyright, licenses, or other contractual or legal obligations or in violation of law;
5. safeguarding the integrity of computers, networks, hardware, software and data;
6. preserving information and data;
7. upgrading or maintaining information technology resources;
8. cooperating with law enforcement authorities in reporting and investigating suspected criminal activity.

B. Terminating Your Use of IT Resources. The College may suspend or terminate the use of its computers and network systems when presented with evidence of a user's violation of College policies, or federal or state laws, or when it is necessary to do so to protect the College against potential legal liability. The College reserves the right to limit access to its information technology resources, and to remove or limit access to material stored on College information technology resources.

C. Disciplinary Action. All users are expected to conduct themselves consistent with these responsibilities. Abuse of IT resource privileges may subject the user to disciplinary action as established by applicable College policies and/or collective bargaining agreements.

D. Bound by Public Law. The College and users must recognize that all members of the College community are bound by federal and state laws pertaining to civil rights, harassment, copyright, security and other statutes governing use of electronic media. This policy does not preclude enforcement under such laws.

#### V. Reporting Violations

A. Allegations of student conduct that is believed to violate this Acceptable Use policy should be reported in writing to the Dean of Students. Allegations of faculty or staff conduct that is believed to violate this Acceptable Use Policy should be reported in writing to the Vice President for Human Resources. To ensure the fairness of any proceedings that may follow a reported violation, the individual filing the report should not discuss or provide copies of the allegations to others.

Is the accused afforded the right to immediately know of such accusations?

Approved by President's Council  
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