

BP3720 Computer and Network Use

Reference: Education Code Section 70902; 17 U.S.C. Section 101 et seq.; Penal Code Section 502; Cal. Const., Art 1 Section 1; Government Code Sections 8314 and 3543.1(b).

Purpose

This Computer and Network Use Policy is necessary to ensure the ability of the District to effectively fulfill its educational mission, goals and objectives and to protect the District and its employees from potential liability for illegal use of the computer systems. Its purpose is to ensure compliance with State and Federal laws, to prevent misuse and to protect the District's networks and assets.

The Chancellor, upon the input, advice and consultation with the shared governance groups including the unions and Academic Senates, shall establish procedures that provide guidelines for the appropriate use of information technologies that will apply uniformly to all members of the College community using the District's computer resources. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of the computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

The San Jose Evergreen Community College District recognizes that principles of academic freedom and shared governance, freedom of speech, Constitutional rights of privacy under the California Constitution and privacy of information hold important implications for electronic mail and computer services. Electronic mail and computer services shall have privacy protection comparable to that which is traditionally afforded sealed mail and telephone conversations.

The San Jose/Evergreen Community College District respects the rights of employee organizations as set forth in Education Code Section 3543.1(b) to have access to the District's electronic mail system and other communication systems in order to communicate with their members. This policy is not intended to cover, and does not pertain to, the content of communications among bargaining unit representatives and their members concerning bargaining and personnel matters and nothing in this policy shall be deemed to restrict the content of such communications in any way. This policy is also not intended to cover and does not pertain to the content of communication between faculty members and their students, since that communication is part of teaching performance, the observation of which is governed by the contract between the Faculty Association and the District.

This policy and District procedures do not waive any users' rights protected by state or federal law, including rights of privacy. These guidelines apply to all electronic mail and computer services provided or owned by the District. The computer resources of the San Jose/Evergreen Community College District are for the use of persons legitimately affiliated with SJECCD (as faculty, staff, students or administrators & consultants) to facilitate the exchange of information consistent with the academic, educational, administrative and research purposes of the District. They are not to be used by any person without the proper authorization of the District.