



**Policy: 03-61-00**

## **Computing Privileges**

OFFICE OF RECORD: Computing Services  
ISSUED BY: CIO and Director of Computing Services  
APPROVED BY: 03-61-00  
EFFECTIVE DATE: 02-13-87 (Revised 11/15/05)

### **Scope**

This policy is intended to provide direction for the use of computing hardware and software, networking and other information technology resources, including video-conferencing facilities, associated with or accessible from Dakota State University. Within the context of this policy, networking refers to the University's wired and wireless environments. The term classrooms refers to both traditional classroom facilities as well as classroom labs and specialty labs.

### **Policy**

The use of computers and related technologies, including all hardware and software, is a privilege. The University's CIO/Director of Computing Services is authorized to extend access to the University's computing services and related hardware and software to members of the faculty and staff; members of the student body; participants in workshops, short courses and similar approved activities and projects; or members of an entity that has contracted for the use of DSU's computing resources.

Charges for the use of computing services may be assessed by the CIO/Director of Computing Services with the approval of the President. (See DSU Policy 01-76-00 Facility Use and Rental and DSU Policy 03-62-00 Tablet Repair Services/Replacement)

Software available at Dakota State University includes copyrighted programs licensed from a variety of vendors, including those which may have been modified by Dakota State University computing staff for use within the University's computing environment. It is expected that all faculty, staff, students and campus guests will use any software (whether or not it is supplied by Dakota State University) only in accordance with license agreements and copyright provisions applicable to the specific software package.

While use of the University's computing hardware, software and facilities is not restricted solely to faculty, staff, and students, the priority of user access is dependent on many factors, including class schedules and user status. Generally, DSU computing hardware and software, networking, and video-conferencing facilities are available for use by authorized users except when reserved for class usage. However, some University computing facilities may only be available to a specific subset of authorized users. Classes scheduled by the University take priority over all other usage. (See DSU Policy 01-84-00 Classroom Scheduling.)

All users of the University's computing hardware and software, networking, and video-conferencing facilities must comply with all pertinent DSU and Board of Regents policies and local, state and federal laws. The use of DSU facilities by any individual whose sole purpose is to make a profit is prohibited, except as outlined in DSU Policy 01-76-00 Facility Use and Rental.

Individuals who physically damage computing hardware and facilities are subject to University fines, sanctions and discipline, as appropriate and as detailed below. (See DSU Policy 03-62-00 Tablet Repair Services / Replacement.)

## **Responsibilities**

All persons who use computing facilities and services provided through Dakota State University must comply with the following rules:

1. Users will comply with all provisions of software or courseware copyrights.
2. Users will utilize computing, network, and video-conferencing resources only for authorized administrative, educational, research or other scholarly activities, or a project approved by the CIO/Director of Computing Services.
3. Users will abide by University directives relative to consumption of bandwidth.
4. Users will comply with all applicable local, state and federal laws as well as DSU and Board of Regents policies.
5. Users will abide by the EDUCOM Code of Ethical Behavior, which has been adopted by Dakota State University. (See Attachment A below.)
6. Users will also abide by the "acceptable use" policy of any organization or agency whose network is accessed through the University's computing and communications environment.

## **Unacceptable Behavior**

As indicated above, individuals accessing the University's computing services and computing resources are expected to exhibit ethical use and behavior relative to

those services and resources. Unacceptable behavior includes, but is not limited to, the following items. (Approval to conduct one of the uses or behaviors listed below may be granted by the CIO if it is needed to support an academic activity.)

1. Excessive consumption of bandwidth or excessive email traffic, particularly during high usage times.
2. Modifying, attempting to modify, or removing computer equipment, software, or peripherals.
3. Modifying or attempting to modify operating systems or system directories and files without proper authorization.
4. Establishing or attempting to establish server or server-like functions on any equipment connected to the University's network or housed in University facilities.
5. Accessing or attempting to access computers, computer networks, computer software, or computer files of any other user without the explicit, prior consent of the other user. This includes taking advantage of operating system vulnerabilities or another user's naiveté or negligence to physically or digitally gain access to any computer account, data, software, or files. Authority to access, create, modify, or delete information contained in those files must be granted explicitly. The capability to access does not imply the authority to access.

This prohibition applies, regardless of whether the computer used for access or the computer accessed is owned by the University. (See related DSU Policy 04-05-00 Academic Integrity) Any willful, unauthorized access is a violation of the ethical standards of Dakota State University (see Attachment A) and may also be a violation of state or federal statutes. Violations will be subject to the penalties listed in those statutes.

6. Circumventing or attempting to circumvent normal resource limits, login procedures, and security regulations.
7. Using computing facilities, computer accounts, or computer data for purposes other than those for which they were intended or authorized.
8. Sending any fraudulent electronic transmission, included but not limited to, fraudulent requests for confidential information, fraudulent submission of electronic purchase requisitions or journal vouchers, and fraudulent electronic authorization of purchase requisition or journal vouchers.

9. Violating any software license agreement or copyright, including copying or redistributing copyrighted computer software, data or reports without proper, recorded authorization.
10. Using the University's computing, network, and video-conferencing resources to harass or threaten others. (See DSU Policy 02-81-00 Sexual Harassment, BOR Policy 1:17 Sexual Harassment and BOR Policy 3:4 Student Disciplinary Code)
11. Physically interfering with or encroaching on another user's authorized access to the University's computing, networking, and video-conferencing facilities.
12. Excessive printing of documents, files, data, or programs.
13. Damaging or vandalizing University computing facilities, hardware, software or computer files. (See DSU Policy 03-62-00 Tablet Repair Services / Replacement)

## **Consequences of Unacceptable Behavior**

Dakota State University will take appropriate disciplinary action against any employee, student or facility user who knowingly violates any provision of this policy. Such discipline shall not exempt the individual from applicable civil or criminal remedies available through federal or state judicial proceedings.

Dakota State University faculty, staff, students and facility users who learn of any misuse of computing facilities, hardware, software or related documentation, unauthorized information access, or inappropriate behavior should immediately notify the CIO/Director of Computing Services. The CIO/Director of Computing Services will take immediate steps to verify the facts associated with the reported misuse and ascertain the circumstances of the reported or observed incident.

Upon notification of the misuse, the CIO/Director of Computing Services may immediately suspend the computing privileges of any/all persons involved in the incident and a report of that suspension will be provided to the appropriate institutional vice president (as indicated below) within two (2) working days of the suspension action. Within seven (7) working days, the appropriate institutional vice president (as indicated below) must either initiate formal disciplinary proceedings or reinstate the computing privileges. The CIO/Director of Computing Services may ask other campus personnel for assistance in preparing a report of the misuse or suspected misuse to the appropriate institutional vice president.

Any formal disciplinary action will be taken following appropriate policies including, but not limited to, BOR Policy 3:4 Student Disciplinary Code, BOR Policy 4:14 Faculty Code of Professional Conduct, BOR Policy 1:17 Sexual Harassment and/or Administrative Rules of South Dakota 55:01:12 Disciplinary Actions for Career Service Employees. The Director of Human Resources will be involved in discussions and decisions relative to formal disciplinary proceedings

## **Additional notifications**

- If the misuse or suspected misuse involves students or student services personnel, the CIO/Director of Computing Services shall also notify the Vice President for Student Affairs immediately.
- If the misuse or suspected misuse involves faculty or academic support staff, the CIO/Director of Computing Services should also notify the Vice President for Academic Affairs immediately.
- If the misuse or suspected misuse involves other campus staff, the CIO/Director of Computing Services should also notify the Director of Human Resources immediately.

## **Appeals**

To appeal a disciplinary decision, students should refer to DSU Policy 03-30-00 Appealing Academic and Administrative Decisions. Faculty/staff should refer to the Board of Regents policies on grievances: BOR Policy 4:7(faculty), 4:8 (non-faculty exempt) or 4:9 (CSA).

## **Attachment A**

### **Using Software: A Guide to the Ethical and Legal Use of Software for Members of the Academic Community**

Source: [www.cni.org/docs/infopols/EDUCOM.html](http://www.cni.org/docs/infopols/EDUCOM.html)

Using Software: A Guide to the Ethical and Legal Use of Software for Members of the Academic Community issued by EDUCOM and ADAPSO

Software enables us to accomplish many different tasks with computers. Unfortunately, in order to get their work done quickly and conveniently, some people justify making and using unauthorized copies of software. They may not understand the implications of their actions or the restrictions of the U.S. copyright law.

Here are some relevant facts:

1. Unauthorized copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects inventors.
2. Unauthorized copying of software by individuals can harm the entire academic community. If unauthorized copying proliferates on a campus, the institution may incur a legal liability. Also, the institution may find it more difficult to negotiate agreements that would make software more widely and less expensively available to members of the academic community.
3. Unauthorized copying of software can deprive developers of a fair return for their work, increase prices, reduce the level of future support and enhancement, and inhibit the development of new software products.

Respect for the intellectual work and property of others has traditionally been essential to the mission of colleges and universities. As members of the academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, applications, data bases and code.

Therefore, we offer the following statement of principle about intellectual property and the legal and ethical use of software. This "code"--intended for adaptation and use by individual colleges and universities--was developed by the EDUCOM Software Initiative.

#### Software and Intellectual Rights

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

### **Questions You May Have About Using Software**

What do I need to know about software and the U.S. Copyright Act?

Unless it has been placed in the public domain, software is protected by copyright law. The owner of a copyright holds exclusive right to the reproduction and distribution of his or her work. Therefore, it is illegal to duplicate or distribute software or its documentation without the permission of the copyright owner. If you have purchased your copy, however, you may make a back-up for your own use in case the original is destroyed or fails to work.

Can I loan software I have purchased myself?

If your software came with a clearly visible license agreement, or if you signed a registration card, read the license carefully before you use the software. Some licenses may restrict use to a specific computer. Copyright law does not permit you to run your software on two or more computers simultaneously unless the license agreement specifically allows it. It may, however, be legal to loan your software to a friend temporarily as long as you do not keep a copy.

If software is not copy-protected, do I have the right to copy it?

Lack of copy-protection does not constitute permission to copy software in order to share or sell it. "Non-copy-protected" software enables you to protect your investment by making a back-up copy. In offering non-copy-protected software to you, the developer or publisher has demonstrated significant trust in your integrity.

May I copy software that is available through facilities on my campus, so that I can use it more conveniently in my own room?

Software acquired by colleges and universities is usually licensed. The licenses restrict how and where the software may be legally used by members of the community. This applies to software installed on hard disks in microcomputer clusters, software distributed on disks by a campus lending library, and software available on a campus mainframe or network. Some institutional licenses permit copying for certain purposes. Consult your campus authorities if you are unsure about the use of a particular software product.

Isn't it legally "fair use" to copy software if the purpose in sharing it is purely educational?

No. It is illegal for a faculty member or student to copy software for distribution among the members of a class, without permission of the author or publisher.  
Alternatives to Explore

Software can be expensive. You may think that you cannot afford to purchase certain programs that you need. But there are legal alternatives to unauthorized copying.

## **Site Licensed and Bulk-Purchased Software**

Your institution may have negotiated agreements that make software available either to use or to purchase at special prices. Consult your campus computing office for information. Software available through institutional site licenses or bulk purchases is subject to copyright and license restrictions, and you may not make

or distribute copies without authorization.

### Shareware

Shareware, or "user-supported" software, is copyrighted software that the developer encourages you to copy and distribute to others. This permission is explicitly stated in the documentation or displayed on the computer screen. The developer of shareware generally asks for a small donation or registration fee if you like the software and plan to use it. By registering, you may receive further documentation, updates and enhancements. You are also supporting future software development.

### Public Domain Software

Sometimes authors dedicate their software to the public domain, which means that the software is not subject to any copyright restrictions. It can be copied and shared freely.

Software without copyright notice is often, but not necessarily, in the public domain. Before you copy or distribute software that is not explicitly in the public domain, check with your campus computing office.

### A Final Note

Restrictions on the use of software are far from uniform. You should check carefully each piece of software and the accompanying documentation yourself. In general, you do not have the right to:

1. Receive and use unauthorized copies of software, or
2. Make unauthorized copies of software for others.

If you have questions not answered by this brochure about the proper use and distribution of a software product, seek help from your computing office, from the software developer, or publisher.

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