

COPY



RE: ASD 03-69

AFFECTS: UPS

CALIFORNIA STATE UNIVERSITY, FULLERTON
FULLERTON, CA 92834-6850

ACADEMIC SENATE OFFICE
(714) 278-3683

Date of Senate Approval: May 29, 2003

Date of Transmittal: June 24, 2003

TO: MILTON A. GORDON
President

FROM: Lee Gilbert *Lee*
Chair, Academic Senate

SUBJECT: DOCUMENT TRANSMITTAL FOR PRESIDENTIAL ACTION

The following document is submitted for your approval in accordance with Article VIII, Section 4, of the Faculty Constitution:

ASD 03-69 CSUF Draft Electronic Mail Policy was approved as amended by the Academic Senate on May 29, 2003.

See attached sheet for amendments.

If you approve, please sign below to acknowledge your action.

If you disapprove, or wish further consultation, please notify the Academic Senate of the reasons (preferably in writing), in accordance with Article VIII, Section 5, of the Faculty Constitution.

A response is requested within thirty (30) academic days, in accordance with Article VIII, Section 5, of the Faculty Constitution.

APPROVED AS POLICY:

Milton A. Gordon, President

Date

Contingent upon approval of Chancellor: Yes No

Distribution White - President
Pink - Academic Senate
Yellow - V.P. Academic Affairs
Gold - Assoc. V.P., Academic Programs

ASD 03-69 DRAFT ELECTRONIC MAIL POLICY

The following amendments were approved by the Academic Senate to ASD 03-69 Draft Electronic Mail policy on May 29, 2003:

Page 1, line 28 delete "is effective as of XX, 2003 and." After the word use, insert the word "of."

Page 2, line 3 after the word individuals, insert "including students and groups" delete the word for and insert the word "to."

Page 2, line 16 delete the word professional, change the word courtesies to "courtesy" and delete the "s" on the word considerations to read "consideration."

Page 3, line 4 after the word announcement, add the word "(Spam)."

Page 3, line 36 delete the "s" on the word accounts to read "account."

Page 3, move number 2 to page 4, under g. and renumber number 3 and 4.

Page 4, under g, insert "Under these conditions, account holders should be aware that by law they may be required to provide copies of electronic mail generated from a university account regardless of whether the electronic mail is stored on a computer owned or leased by the university."

1 | Approved by the Academic Senate as amended on May 29, 2003

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3 CALIFORNIA STATE UNIVERSITY FULLERTON
4 DRAFT ELECTRONIC MAIL POLICY APRIL 14, 2003

5 I. Policy Statement

6 The university provides electronic mail accounts ("account") to facilitate exchanges of
7 information that further the university's educational mission. This Policy seeks to balance open
8 communication with the protection of university resources, and provide guidelines for
9 appropriate and lawful use, privacy, and access to electronic mail.

10 The university rarely examines, monitors or discloses activity from an account. However,
11 account holders should be aware that the university receives requests from external sources and
12 has administrative duties that create legal and fiscal obligations to access accounts. Therefore,
13 account holders should not assume or expect that any use of an account is private or confidential.
14 Furthermore, accounts are the property of the university, and use of an account is a necessarily
15 revocable privilege granted by the university.

16
17 In most instances the university will inform an account holder prior to accessing an account.
18 However, under conditions sets forth below, the university may access an account to restrict,
19 monitor, examine or disclose account activity, including the contents of electronic mail, without
20 the consent of or notice to the account holder.

21 The purpose of this Policy is to assure that:

- 22 A. The university community is informed about the applicability of policies and laws
- 23 to electronic mail;
- 24 B. Accounts are used in compliance with those policies and laws;
- 25 C. Account holders are aware of how concepts of privacy and security apply to their
- 26 accounts; and,
- 27 D. Disruptions to university networks and activities are minimized.

28 | This Policy is effective as of ~~XX, 2003~~, and governs the use of accounts assigned by the
29 university.¹

30 II. Authority

31 California Government Code Section 8314.

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¹ The university may at its discretion provide accounts to contractors or other qualified individuals for the purpose of conducting university business. Such users must comply with this Policy. The university will terminate such accounts once the user's affiliation with the campus has ended.

1 **III. Scope**

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3 This Policy applies to all university faculty and staff, as well as any other individuals including
4 students and groups ~~for~~ to whom the university has granted an account.
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7 **IV. Implementation**

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9 A. Account Holder Responsibilities

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11 1. But for extenuating circumstances beyond an account holder's control,
12 account holders are responsible for activity originating from their assigned
13 account.
14 2. To minimize unauthorized network access, account holders must protect
15 their password and periodically change it as determined by the university.
16 3. Account holders agree to use ~~professional courtesies~~ courtesy and
17 considerations when transmitting electronic messages. Account holders
18 should use prudence when transmitting confidential, personal or sensitive
19 information.
20 4. Account holders may use an account for personal purposes provided that
21 such use complies with this Policy and does not, as determined by the
22 university, burden the university with more than incidental costs and/or
23 interfere with the account holder's employment. Account holders should
24 not assume or expect that because they may occasionally use an account
25 for incidental personal purposes that such use is a right, private or
26 confidential.
27 5. Account holders agree to check their assigned accounts regularly and
28 comply with system notices as they would with official university mail.
29 Account holders on leave or sabbatical, or who will be unable to access an
30 account, should contact the Help Desk to make forwarding arrangements.
31 6. Just as faculty and staff are prohibited from using any university property
32 to violate the law, accounts holders may not use an account to violate a
33 federal, state or local law, a CSU system or university policy, or Title 5.
34 Examples include use of an account to:
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36 a. Libel², defraud³ or harass⁴ other individuals.

² A false and unprivileged publication by writing, printing, picture, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes the person to be shunned or avoided, or which has a tendency to injure the person in their occupation. See California Civil Code Section 45.

³ To deceive another person for the purpose of gaining some material advantage over that person or to induce that person to part with property or to alter that person's position to their injury or risk, and to accomplish that purpose by some false statement, false representation of fact, wrongful concealment or suppression of truth, or by any other artifice or act designed to deceive. See CALJIC No. 15.26.

⁴ A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress. See, e.g., California Code of Civil Procedure Section 527.6.

- b. Conceal, mask or misrepresent their name or affiliation when sending an electronic message, or alter the course of an electronic message.
- c. Send an unauthorized unsolicited electronic announcement. (Spam)
- d. Send or forward e-mail "chain letters," which are defined as messages sent to multiple individuals that make promises if the cycle remains unbroken and ensure the opposite if the cycle is broken.
- e. Imply or suggest university endorsement of a political or religious belief, or a commercial product or service. Moreover, account holders may not comment on behalf of the university without appropriate authorization.
- f. Violate copyright laws.
- g. Violate any security restrictions on systems or information accessed.
- h. Send, forward or access mail the account holder knows contains a computer virus.
- i. Fundraise for non-university related purposes.
- j. Operate a non-university related business (whether for profit or not).

Account holders may direct questions about what is or is not a permitted use to xx@fullerton.edu. Suspected infractions should also be sent to this address.

B. Unsolicited or Unwanted Information

1. Although the university does not sanction and will attempt to stop offensive mail, the university is not and cannot be responsible for mail that account holders may find offensive. Account holders who receive unsolicited or unwanted transmissions should contact the Help Desk.
2. The university may at its discretion block unsolicited electronic messages such as those with a virus.

C. Account Access

1. Although accounts holders should not assume that accounts are private or confidential, the university does limit account access to the account holder, those granted access with the account holder's consent, and authorized individuals under the limited circumstances set forth in paragraph 3 below.
- ~~2. Account holders agree to provide copies of electronic mail generated from an account regardless of whether the electronic mail is stored on a computer owned or leased by the university.~~
3. The necessity to access an account (or to deny access to, restrict, monitor, examine or disclose activity from an account) is rare, but the circumstances where this might occur are to:

- a. Investigate alleged violations of system or university policy, or local, state or federal law*
- b. Comply with legal requests for information*
- c. Prevent unauthorized access and system misuse*
- d. Troubleshoot hardware and software problems*
- e. Retrieve university-related information not more readily available by some other means*
- f. Protect health and safety, prevent loss of property or evidence, or reduce liability to the university*
- g. Reroute or dispose of undeliverable mail

Under these conditions, account holders should be aware that by law they may be required to provide copies of electronic mail generated from a university account regardless of whether the electronic mail is stored on a computer owned or leased by the university.

*The President or designee must grant approval prior to accessing specific accounts for the above purposes and the advice of university counsel will be sought prior to access. The university will limit access to the least invasive means to assess the issue presented:

- 4.3. When accessing an account without consent or notice, the contents may only be reviewed and/or communicated as required by law or to those who must review the contents to fulfill their job responsibilities and duties.

D. Security

- 1. Account holders who use encryption must provide access to encrypted communications associated with an account upon the President's or designee's request.
- 2. Account holders should be aware that even though the sender and recipient have deleted their copies of an electronic message, back-up or other copies of the message likely still exist.
- 3. If the university conducts an investigation, the President or designee may authorize that an account be locked or copied to prevent destruction and loss of information.

V. Accountability

- 1. Account holders who violate this Policy are subject to restriction or elimination of account access and/or appropriate disciplinary action pursuant to the applicable collective bargaining agreement or, for non-represented employees, applicable administrative policies or procedures.
- 2. Represented account holders who believe the university has violated this Policy must use the grievance or complaint procedures negotiated in the applicable collective bargaining agreement to raise their concerns. Non-

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represented account holders may use appropriate administrative policies or procedures to raise an issue concerning application of this Policy.