Acceptable Use Policy

IN THIS SECTION

Section I: Access to Information Technology Facilities

A. Governing Principles

1. In support of its essential mission to enhance educational, economic and cultural opportunities for the people of West Kentucky, Murray State University offers information technology resources to its students, faculty and staff. These resources contribute to the work of all members of the University community. They advance the scholarly pursuit of knowledge and those administrative functions necessary for the operation of the University.

2. Users of the University's information technology facilities are required to comply with and be subject to the MSU Information Technology Acceptable Use policy, university policies, federal and state statutes and applicable vendor policies, a list of which can be obtained from the office of the Chief

rights of other users and to promote equitable use by all, enabling necessary access to all.

4. User access to information technology resources is contingent upon prudent and responsible use.

B. Authorization and Equity of Access

University information technology resources are provided to faculty, staff and students for the purposes of study, research, service and other academic and university related activities. Access to information technology resources is granted to an individual by MSU for that individual's sole use in furthering the University's mission and purpose. Information technology resources must be shared among users in an equitable manner. The user may not participate in any behavior that unreasonably interferes with the equitable use of information technology resources by another.
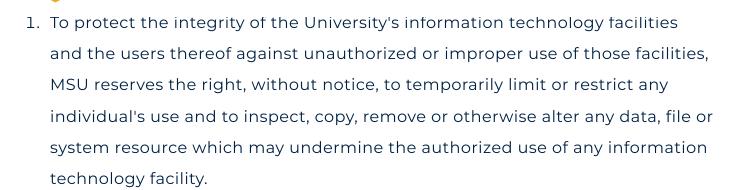
C. Acknowledgement of Receipt Authorization

Signature on an account application form, acceptance of a user ID or online registration denotes that the applicant has read and understands the guidelines available and also denotes acceptance of this Acceptable Use document.

D. Priority for Access and Resource Allocation

The priority guiding information technology access and resource allocation is teaching and learning. Service, research and administrative priorities will be determined as they support teaching and learning.

Section II: Security of University Information Technology Resources

1. To protect the integrity of the University's information technology facilities and the users thereof against unauthorized or improper use of those facilities, MSU reserves the right, without notice, to temporarily limit or restrict any individual's use and to inspect, copy, remove or otherwise alter any data, file or system resource which may undermine the authorized use of any information technology facility.

B. Investigation and Review of Policy Infractions

1. University sanctions are imposed by the appropriate university authority and may include, but are not limited to, limitation or revocation of access rights and/or reimbursement to the university for all costs incurred in detecting and proving the violation of these rules, as well as from the violation itself.

2. Users must use only those information technology resources which the University has authorized for their individual use. The unauthorized use of information technology resources or providing false or misleading information for the purpose of obtaining access to information technology facilities is prohibited and may be regarded as a criminal act and will be treated accordingly. Users may not use university information technology facilities to gain unauthorized access to other institutions, organizations or individuals.

3. Failure to comply with one or more of the specific requirements of this policy may jeopardize access to or use of Murray State facilities and services and could result in a review and investigation into the identified violation.

4. Supervisors of systems and facilities have the authority to immediately terminate any program or access that is suspected to be inappropriate or detrimental to operations.

C. Control and Licensing of Software

software without prior authorization from the licenser. Proprietary software may not be installed on systems not properly licensed for its use. The University does not condone or authorize the copying or possession of illegal software. University students and employees are prohibited from copying software illegally and possessing illegal copies of software, whether for course-related, job-related or private use. Any violations of this policy is the personal responsibility of the user. The University assumes no liability for such acts.

3. Any user who suspects or has knowledge of copyright or intellectual property law violations must immediately report this activity to the University Chief Information Officer. Failure to report such activity will be considered a violation of the Information Technology Acceptable Use Policy.

D. Individual Privacy

1. Users are authorized to access, use, copy, modify, delete or grant others access to their personal files or data, as specified in this policy. However, users are not authorized to perform any of these functions on another user's account or a university system unless specifically authorized by the account holder, job description, the Chief Information Officer or designee or the appropriate system administrator.
2. Users may not monitor another user's data communications.
3. User privacy is not to be violated. However, user privacy is subject to all university policies. As such, authorized individuals may access and disseminate private information in performance of their official job duties. Unauthorized personal use of a user's private information is prohibited.
4. Failure to protect the privacy of others by intentionally or unintentionally permitting access to systems or data is unacceptable. Violations of this requirement include, but are not limited to:

   c. Leaving a personal password where it can easily be found

   d. Allowing someone to use a system signed on under a personal password

   e. Knowingly failing to report a personal password that has been used by another person, with or without permission

   f. Leaving a system signed on and accessible while unattended

E. Confidentiality

1. The unauthorized release of any personal or confidential information may violate state and federal law and will not be tolerated. Failure to protect confidential information is unacceptable.

   a. Users are responsible for their information technology accounts; they should maintain secure passwords and take precautions against unauthorized access to their information technology resources. Users may be charged with a violation if someone uses their accounts inappropriately.

F. General Security

1. General security infractions include, but are not limited to:

   a. Using information technology resources for unauthorized remote activities

   b. Deliberately causing system failure, disruption or compromising system security

   c. Intentionally obscuring, changing or forging of the date, time, physical source, logical source or other label or header information on data or

designee

e. Performing an act which will adversely impact the operation of computers, terminals, peripherals or networks. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines or interfering with the operational readiness of a computer

Section III: Copyright and the Use of MSU's Information Technology Resources

A. General Copyright Principles

1. The nature and purpose of copyright in general.
    a. Copyright protections are intended to promote progress in science and the arts and to stimulate the production and publication of enlightening and creative matter.
    b. Books, periodicals, musical works, motion pictures, sound recordings, computer programs and photographs are examples of materials or works which may be protected by copyright.
    c. The rights afforded to the holder of a copyright include the exclusive rights to copy and distribute the work to which the copyright applies.
    d. It is not the purpose of this policy to discuss copyright principles in detail. Helpful information regarding Federal Copyright Law is available on-line from the United States Copyright Office whose address is copyright.gov That site contains relevant materials such as "Copyright Basics" and "Frequently Asked Questions" as well as links to various publications which cover a wide array of topics.

      i. Section II of this Acceptable Use Policy specifically discusses the "Control and Licensing of Software."

     ii. As described below under Section III (C), violation of copyright may carry civil and criminal penalties.

  b. Securing the permission of the copyright owner to make use of a work is an effective method for addressing a copyright issue.

3. Limitations on copyright protections.

  a. Copyright protections are not absolute and there are exceptions to the rights afforded by copyright.

  b. The "fair use" doctrine is one such exception.

      i. The "fair use" doctrine recognizes instances in which use of a copyrighted work in connection with certain activities is considered "fair" and not infringing although such behavior could be infringing in other contexts.

     ii. Application of the "fair use" exception entails a fact intensive inquiry and the consideration of various factors.

        a. It cannot be assumed the "fair use" exception automatically applies to a particular situation or that all rights afforded by copyright give way merely because a use occurs, for example, within the context of the classroom.

        b. The United States Copyright Office has stated, "There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission." "Fair Use," U. S. Copyright Office Fact Sheet.

situations at MSU.

B. Application of Copyright Principles to Users of MSU's Information Technology Resources

1. Copyright principles apply to materials posted to and downloaded from the internet.

    a. As stated in the "Frequently Asked Questions" found on the website of the United States Copyright Office, "Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. . . . [S]ince any original work of authorship fixed in a tangible medium (including a computer file) is protected by federal copyright law upon creation, in the absence of clear information to the contrary, most works may be assumed to be protected by federal copyright law."

    b. Users of MSU's Information Technology Resources must be aware that potential copyright issues exist with respect to materials copied from or posted to the internet.

    c. If posting or downloading information to or from the internet, the MSU website or any webpage or any other site is required as part of a regular university function or activity, those involved are responsible for ensuring copyright is not violated.

2. Copyright compliance by users of MSU's information technology resources

    a. MSU's Information Technology Resources must be used in accordance with copyright law. The following policy statements do not limit the breadth of the preceding statement.

of the holder of the copyright.

ii. It is a violation of this Acceptable Use Policy to use any information technology resources to place materials protected by copyright on any MSU webpage or website in violation of the rights of the holder of the copyright.

iii. It is a violation of this Acceptable Use Policy to use MSU's Information Technology Resources to download or distribute copyrighted materials in violation of the rights of the holder of the copyright.

iv. Peer-to-peer (p2p) file sharing often involves works which are protected by copyright. It is a violation of this Acceptable Use Policy for users of MSU's Information Technology Resources to download protected music or movies in violation of the rights of the holder of the copyright.

v. Distribution of copyrighted material in violation of the rights of the holder of any copyright interest, including unauthorized p2p file sharing, may lead to civil and criminal penalties.

vi. Users of MSU's Information Technology Resources, like the users of other resources, are responsible for determining whether their use of the information technology resources violates copyright and whether materials posted to or copied from the internet or MSU's website or any MSU webpage are protected by copyright and for complying with the copyright applicable to the work.

   a. It has been held that the rationale "try before you buy" is not a "fair use" which prevents the unauthorized downloading of music from being infringing.

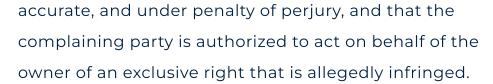   b. The unauthorized downloading of only a "few" songs is no defense to a claim of copyright infringement.

a. In accordance with law, MSU will expeditiously remove or disable access to infringing material if it has actual knowledge that material is infringing or receives notice from the owner, or the authorized agent of the owner, of the copyright interest allegedly infringed.

b. The notice from the owner, or authorized agent of the owner, of a copyright interest referred to in paragraph B.2.b.i.a. must contain the following:

    i. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

    ii. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

    iii. Identification of the material, or a reference or link to the material or activity, 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 MSU to locate the material or reference or link.

    iv. Information reasonably sufficient to permit MSU 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.

    v. A statement that the complaining party has a good faith belief that use of the material in the manner complained

accurate, and under penalty of perjury, and that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

ii. MSU has designated Jackie Dudley, Vice President of Finance and Administrative Services, as its agent for receipt of notices of claimed infringement. She may be contacted at 322 Sparks Hall, Murray State University, Murray KY 42071. Her telephone number is 270.809.3774, and her e-mail address is jdudley@murraystate.edu

iii. MSU's program to combat the unauthorized downloading and/or distribution of copyrighted material by users of MSU's Information Technology Resources

　　i. Technological Resources

　　　　i. MSU uses technological resources to identify potential p2p traffic. These resources do not unduly interfere with the educational and research use of the MSU network.

　　　　ii. MSU accommodates and does not interfere with standard technical measures that are used by copyright owners to identify or protect copyrighted works.

　　ii. Educational methods

　　　　i. MSU will educate the users of its information technology resources of the importance of complying with copyright in connection with the use of its information technology resources.

　　　　ii. Students in the Residential Colleges have been warned, and students will continue to be warned, against the unauthorized uploading, downloading and distribution of copyrighted material including p2p file sharing.

                otherwise acquiring copyrighted material.

    ii. If such alternatives are identified, the results will be provided to the campus community.

   iii. If deemed practicable by MSU, alternatives for downloading or otherwise acquiring copyrighted material may be made available.

C. Penalties for Violation of MSU policy regarding copyright and Information Technology Resources

1. Penalties under the law for copyright infringement.

    a. Users may be sued for their infringing activities. Acts can be infringing and result in civil penalties even though there is no intent to violate a copyright. Under certain circumstances, the infringer may be responsible for the other party's attorney's fees. Statutory civil damages can be as high as $150,000 for each work infringed if a violation is committed willfully.

    b. Willful copyright infringement can also be a crime. Even a first time offense can carry a prison term of from 1 to 5 years plus fines depending upon the facts and circumstances.

2. Institutional penalties.

    a. Procedures are discussed above with respect to notifying MSU of the presence of infringing materials on its website.

    b. The procedure for handling complaints against any individual suspected of violating this policy regarding copyright and the use of MSU's Information Technology Resources is described in Section V.

d. Complaints against students should be referred to the Vice President for Student Affairs.

    i. Such referral may result in proceedings before the University Judicial Board.

    ii. Sanctions which may be imposed against any student violating this policy include, depending upon the circumstances, referral to alternative services, warning, loss of privileges, probation, restitution, a program of self-improvement and education, recommendation of suspension and recommendation of expulsion.

e. Complaints against faculty and staff who violate this policy will be handled in accordance with established university policy or practice.

    i. Penalties assessed against faculty and staff who violate this policy may include written warning, loss of privileges, suspension of employment and termination of employment depending upon the circumstances.

    ii. Complaints against employees subject to receipt of employee disciplinary reports will be handled in accordance with provisions of the Personnel Policies and Procedures Manual regarding employee discipline. The severity of the violation will be taken into account in assessing any penalty.

    iii. Established grievance procedures will be utilized to review any penalty imposed.

    iv. Temporary or permanent loss of access to MSU's information technology resources may occur with a first violation of this policy. In appropriate circumstances, repeat offenders will permanently lose access.

"Investigation and Review of Policy Infractions" found in Section II above.

g. As provided under Section II, under "Control and Licensing of Software," any user who suspects or has knowledge of copyright violations must immediately report this activity to the University's Chief Information Officer, whose contact information is found above in Section B.2.b.ii. Failure to report such activity will be considered a violation of the Information Technology Acceptable Use Policy.

D. Periodic Policy Review

1. This policy related to copyright and the use of MSU's Information Technology Resources will be reviewed periodically in order to assure that it addresses the changing needs and concerns of Murray State University and to remain compliant with law.

2. The Information Technology Advisory Committee will perform the periodic review stated in the preceding paragraph by applying assessment criteria it deems relevant.

    a. It is authorized to revise and/or implement new policies under this Section III upon approval of the President of the University.

    b. The authorization under this Section includes implementing revised or additional procedures related to, or penalties for, alleged violations of this policy. All such additions and/or revisions must be approved by the President of the University.

Section IV: Ethical Practices

A. Expectations

equipment clean and in good operating condition.

B. Protection and Maintenance of Equipment

1. Protection and maintenance of equipment includes, but are not limited to:
    a. Having only authorized staff perform installations
    b. Plugging all equipment into an Underwriter's Laboratory approved surge protector or uninterruptible power supply
    c. Locating equipment according to manufacturer's specifications. Equipment should be protected from extreme heat or cold, excessive humidity, smoke, dust, overloaded circuits, stressed or worn cords or any other potentially damaging situation
    d. Keeping food and beverages away from equipment
    e. Scheduling routine maintenance

2. Equipment, software, tools, supplies, etc., are not to be removed from their assigned locations without authorization from the administrator responsible for those items.
3. Repair or replacement of any item damaged when used for purposes other than those related to university functions or when used without authorization will be at the user's expense. Unpaid debts incurred in this manner will be handled in accordance with the usual Accounting and Financial Services procedures.

C. Harassing, Offensive, Profane and Abusive Material

1. University information technology resources may not be used in a harassing, offensive, profane or abusive manner. The perception or reaction of affected

D. Commercial Use

1. University information technology resources may not be used for personal or commercial profit. Individuals may not use information technology resources for any commercial purpose without prior written authorization from the Chief Information Officer, or designee.

Section V: Violations

A. Procedure for Reporting Violations

1. Violations should be reported to the faculty/immediate supervisor of the individual, the Chief Information Officer or the administrator responsible for the system that was breached or misused. The notified party will inform the appropriate university official. Violations may result in one or more of the following actions:
    a. Verbal or written warning with reference to appropriate policy
    b. Suspend access either temporarily or permanently
    c. File a formal Employee Disciplinary Report (EDR), if the individual is an employee
    d. Formally submit student infractions to the Vice President for Student Affairs
    e. Consult with the University Attorney and/or Public Safety, who may file civil or criminal charges.
    f. Refer complaints of harassment or discrimination to the Office of Equal Opportunity
    g. For any individuals outside of the immediate university community, send a written notice of the infraction to the employer, principal or entity that

1. Appeals may be filed using existing procedures for staff, faculty and students. All other appeals will go to the Vice President for Administrative Services for disposition.

Section VI: Administration of Policy

A. Procedure for Development, Review and Modification of this Policy

1. The Policy Review Subcommittee of the Information Technology Advisory Committee will be a body comprised of at least four members of the larger committee in addition to the Chief Information Officer. The Policy Review Subcommittee will meet at the call of the Chief Information Officer.
2. Proposals for new policies and/or modifications to existing policies will be forwarded to the Chief Information Officer. The proposals and comments will be brought before the ITAC Policy Review Subcommittee by the Chief Information Officer.

B. Communication of Policy

1. Signature on an account application form, acceptance of a user ID or online registration denotes that the applicant has read and understands the guidelines available and also denotes acceptance of the Information Technology Acceptable Use Policy.
2. The policy is available online at campus.murraystate.edu/aup/ and in print form in Waterfield Library.

same general operating guidelines as established by this policy.

Glossary of Terms

Technical Terms used in the Technology Policy

- **Access Rights:** Permission to use an MSU information technology resource according to appropriate limitations, controls and guidelines.
- **Commercial purpose:** A goal or end involving the buying and/or selling of goods or services for the purpose of making a profit.
- **Data:** A representation of facts, concepts or instructions suitable for communication, interpretation or processing by human or automatic means.
- **Disk Space Allocation:** The amount of disk storage space assigned to a particular user by University Information Systems or the appropriate system administrator.
- **Equitable Use:** Use of information technology resources in accordance with this policy, within the rules of an individual MSU facility and so as not to unreasonably interfere with the use of the same resources by others.
- **File:** A collection of data treated as a unit.
- **Inappropriate use of authority or special privilege:** Use of one's access right(s) or position in a manner that violates the rules of use of those privileges as specified by the Chief Information Officer, or designee, or the appropriate system administrator.
- **Information Technology Resource:** Any information technology/network equipment, facility or service made available to users by Murray State University.
- **Password:** A string of characters that a user must supply to meet security requirements before gaining access to a particular information technology

right(s), the access rights of other users and MSU information technology resources.

- **Remote Activity:** Any information technology action or behavior that accesses remote site facilities via an MSU information technology resource.
- **Remote Site:** Any information technology/network equipment, facility or service not part of, but connected with, MSU information technology resources via a communications network.
- **System Administrator:** Any individual authorized by the Chief Information Officer, the Provost/Vice President or a designee to administer a particular information technology hardware system and/or its system software.
- **Transmission:** The transfer of a signal, message or other form of information from one location to another.
- **Unauthorized Act:** With the exception of information technology actions or behaviors permitted in this policy, any act performed without the explicit permission of the Chief Information Officer, or designee, or the appropriate system administrator.
- **Usage Record:** Information or data indicating the level of usage of information technology resources by a particular user.
- **User:** Any individual — whether student, staff or individual external to MSU — who uses MSU information technology resources.
- **User ID:** A character string that uniquely identifies a particular user of MSU information technology resources.

Policy adopted: 02-25-2011
Revision adopted:
Policy approval and adoption: Murray State University President's Office and Information Systems Security

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REQUEST INFO →   VISIT CAMPUS →   APPLY TODAY →

msu.admissions@murraystate.edu

800-272-4678

102 Curris Center, Murray, Kentucky

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Media Relations

Annual Security and Fire Safety Report

Non-Discrimination Policy

Title IX Training Materials for MSU

Title IX Personnel

Disability Services

University Police

Acceptable Use Policy

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