

UNIVERSITY OF CALIFORNIA ELECTRONIC COMMUNICATIONS POLICY UCSD ELECTRONIC COMMUNICATIONS PROCEDURES AND PRACTICES

I. INTRODUCTION

The University of California Electronic Communications Policy (the "ECP") was reissued on August 18, 2005. It is posted on the World Wide Web at:

<http://www.ucop.edu/ucophome/coordrev/policy/PP081805ECP.pdf>

Section II.D.2 and other sections of the ECP mandate that each campus develop, maintain, and publish specific procedures and practices that implement the ECP at the campus level. Accordingly, the University of California, San Diego ("UCSD") has developed and updated the following UCSD Electronic Communications Procedures and Practices (the "UCSD Policy" or "this Policy"). This Policy replaces the original policy issued on December 1, 2005 and supersedes previous policies adopted by UCSD concerning its subject matter, including PPM 135-5, UCSD Electronic Mail Procedures and Practice, and PPM 135-6, UCSD Web Policy, Procedures, and Practices.

II. DEFINITIONS

The capitalized terms used in this Policy are defined below or in the [ECP, Appendix A](#)

A. Allowable User: Defined in [Section III](#) of this UCSD Policy.

B. Authorizing Official: The Authorizing Official (whose authority may not be further delegated) is as follows:

1. The Vice Chancellor-Student Affairs, if the Holder of an Electronic Communications Record is a student organization or an undergraduate student acting in the capacity of a student.
2. The Senior Vice Chancellor-Academic Affairs, if the Holder of an Electronic Communications Record is not covered by Section II.B.1.
3. If the Vice Chancellor specified in Section II.B.1 or II.B.2 faces a conflict of interest, such Vice Chancellor shall recuse him or herself and the Chancellor shall act as the Authorizing Official or shall designate another Vice Chancellor to do so.

C. Designated UCSD Official:

1. For a faculty member or graduate student, such individual's Department Chair or the latter's designee;
2. For a staff member, his or her supervisor;

3. For an undergraduate student, the Dean of Student Affairs at the student's college;
 4. For a student enrolled in UCSD Extension, the Registrar at Extension;
 5. For a student enrolled in Summer Session, the Director of Summer Session;
 6. For a student enrolled in any other UCSD academic program, not administered by UCSD Extension or Summer Session, the head administrator for the academic program;
 7. For a user who is not a student, faculty, or staff member at UCSD, the Designated Official is the University faculty or staff member who manages the facility providing UCSD Electronic Communication Services to such user;
 8. For UCSD Registered Student Organizations, the Designated Official is the Assistant Vice Chancellor-Student Life or designee;
 9. For UCSD Staff Associations, the Designated Official is the Vice Chancellor-Business Affairs; and
 10. In the case where there is no clear Designated Official, the Designated Official is the Director of UCSD Administrative Computing & Telecommunications.
- D. Electronic Communications System Manager:** A person within a unit or department responsible for the management and oversight of the applicable UCSD Electronic Communication Services.
- E. UCSD Electronic Communication Services:** Resources owned, leased, managed, or operated by UCSD that transfer data for the purposes of communication, publishing, and broadcasting, specifically including those using a hostname in the ".ucsd.edu" domain or an Internet Protocol address in the area designated for UCSD. Examples include, but are not limited to, telephone facilities, email services, Web hosting, and Internet communications.
- F. UCSD Support Group:** A group, organization, foundation, or association, formally recognized by UCSD pursuant to the University's Policy on Support Groups, Campus Foundations, and Alumni Associations, including the UCSD Alumni Association, and including any organization formally affiliated with UCSD and located on the UCSD campus.
- G. The University:** The University of California.
- H. UCSD:** The University of California, San Diego.

III. ALLOWABLE USERS OF UCSD ELECTRONIC COMMUNICATION SERVICES

Access to UCSD Electronic Communication Services is a privilege accorded at UCSD's discretion. This privilege may be revoked at any time if conditions of use, including the user eligibility requirements set forth below, are not met. UCSD Electronic Communication Services may be used by the following Allowable Users:

A. University Users

1. UCSD faculty, students, and authorized staff;
2. Individuals who, being authorized to do so by a Designated UCSD Official, are participating in or actively contributing to a UCSD teaching, research or public service project or activity which is facilitated by the use of UCSD Electronic Communication Services;
3. Individuals who, as members of a UCSD Support Group, are entitled under the rules of such Support Group to receive UCSD Electronic Communication Services as a benefit of membership or condition of employment; and
4. Registered student and campus organizations as defined in UCSD PPM 510-1.IV.H.

B. Public Users

Individuals or organizations other than University Users who are participating in or actively contributing to programs sponsored by the University, as authorized by the Chancellor, and as limited by this Policy.

IV. ALLOWABLE USES OF UCSD ELECTRONIC COMMUNICATION SERVICES

Users of UCSD Electronic Communication Services shall, by virtue of their use of such Services, be bound by the ECP, this UCSD Policy, and by any other policies, regulations, rules, or protocols published by UCSD and the University which govern the use of UCSD Electronic Communication Services. These include but are not limited to the following:

A. Purpose

UCSD Electronic Communication Services may be provided by UCSD units in support of the teaching, research, and public service mission of UCSD, and the administrative functions that support this mission.

B. Personal Use

Users may use UCSD Electronic Communication Services for incidental personal purposes provided that such use does not:

1. directly or indirectly interfere with UCSD's operation of electronic communications facilities;
2. burden UCSD with noticeable and avoidable incremental cost; or
3. interfere with a user's employment or other obligations to UCSD; or
4. violate the law or University or UCSD policy.

C. Accessibility

UCSD Electronic Communication Services shall be accessible to users with disabilities as required by law, and University policies.

D. Use of UC and UCSD Name, Seals, and Logos

Use of the UCSD and the University's name is regulated by the State of California Education Code Section 92000, as implemented by University policy, *UCSD Identity Guidelines* and *UCSD Policies and Procedures Applying to Student Activities*. All uses of UCSD Electronic Communication Services must comply with these laws and policies concerning the use of the UCSD and University name, logo, seals, trademarks and other proprietary identifiers.

E. Endorsement

It is a misdemeanor to use the name or logo of UCSD or the University in any way that implies, without advance permission from the Vice Chancellor-External and Business Affairs or Office of the President, respectively, that the University endorses, supports or is affiliated with any product, service, or organization. Links from a UCSD-hosted Web site to any Web site not affiliated with UCSD must not express or imply UCSD's endorsement of the latter site's products, services, or other content, with the exception of links to officially endorsed vendors as established by the Office of the Vice Chancellor-External and Business Affairs.

F. Advertising

No advertising or sponsorships may be accepted in connection with the use of UCSD Electronic Communication Services, unless the advertising or sponsorship has been approved in advance by the Vice Chancellor-External and Business Affairs. No exclusive advertising or sponsorship arrangements may be accepted without written approval by the Chancellor. It is acceptable to acknowledge UCSD events and programs on UCSD-hosted Web pages provided that such acknowledgment does not advertise or endorse a product or service.

G. Other Restrictions

UCSD Electronic Communication Services may not be used for:

1. unlawful activities, including copyright infringement;
2. commercial purposes not under the auspices of UCSD;
3. personal financial gain (except as permitted under applicable academic personnel policies);
4. personal use inconsistent with that authorized by this Policy; or
5. uses that violate other University or UCSD policies.

V. ACCESS RESTRICTIONS

UCSD Electronic Communication Services may be wholly or partially interrupted, suspended, terminated, or limited as follows:

A. Computer Maintenance

An Electronic Communications System Manager may interrupt some or all UCSD Electronic Communication Services in connection with system upgrades, repair or maintenance.

B. Operating Procedure

UCSD Electronic Communication Services are subject to the normal conditions of use, including procedures for initiation and termination of access, as established by each applicable Electronic Communications System Manager at UCSD. The applicable Electronic Communications System Manager may interrupt, limit, suspend or terminate UCSD Electronic Communication Services as provided in the operational terms governing the use of such Services, including, for example, exhaustion of a computing quota assigned to the provision of such Services or the exhaustion of funds associated with a recharge service.

C. Separation from UCSD

Continued access to UCSD Electronic Communication Services for separated employees shall be allowed only for good cause shown at UCSD's discretion.

If a separated employee's access to UCSD Electronic Communication Services is continued or redirected, such employee must promptly return any mail that pertains to UCSD business.

If a separated employee's access to UCSD Electronic Communication Services has been terminated, then consent of that employee is not necessary prior to examination or disclosure of Electronic Communications Records in the separated employee's former account, hard drive or other Electronic Communications Resources.

D. Loss of Allowable User Status

When a user ceases to be an Allowable User under Section III of this Policy, the user's access to UCSD Electronic Communication Services shall be terminated. However, consistent with the prescriptions of Section IV.B of this Policy, Electronic Communication System Managers may (but are not required to) allow such user's access to UCSD Electronic Communication Services to be temporarily continued or redirected in order to facilitate the user's transition to a new provider or to enable UCSD to operate effectively during a personnel transition.

Temporary continuation of UCSD Electronic Communication Services should be no longer than necessary to accomplish the transition, ordinarily not to exceed one year.

E. Deceased Users

When a user of UCSD Electronic Communication Services has died, for purposes of examination or disclosure of such user's Electronic Communications Records, UCSD is deemed to be a Holder of such Records. Without limiting the foregoing, (i) if the deceased user was an employee, the head of such employee's department is deemed to be a Holder of the Electronic Communications Records; and (ii) if the deceased user was a student, the Vice Chancellor, Student Affairs is deemed to be a Holder of the Electronic Communications Records. If the deceased user was a faculty member, UCSD will pass the faculty member's Electronic Communications Records to the beneficiary(ies) of such faculty member's estate.

F. Violations of Policy

Access to and use of UCSD Electronic Communication Services may be wholly or partially suspended (including interim suspension pending completion of investigations or disciplinary proceedings) or terminated as provided in this Section, this Policy more generally or the ECP, including when there is substantiated reason to believe that violations of law or policies have taken place, when there are Compelling Circumstances or when there are Emergency Circumstances. Such suspension or termination of services may be, but need not necessarily be, associated with disciplinary proceedings. See ECP, Section III.E.

Without limiting the foregoing, in compliance with the Digital Millennium Copyright Act ("DMCA"), UCSD's DMCA or other authorized agent may suspend access to UCSD Electronic Communication Services without advance notice where necessary to investigate a copyright infringement claim and may suspend or terminate access to UCSD Electronic Communication Services without advance notice for any user who repeatedly violates copyright law (ECP Section III.E). UCSD's Guidelines for Compliance with the DMCA and information regarding compliance with the copyright laws are available to users at UCSD <http://acs.ucsd.edu/lib/aup.php>.

VI. PRIVACY OF ELECTRONIC COMMUNICATIONS RECORDS

A. Examination and Disclosure

Examination or disclosure of the contents of an Electronic Communications Record shall occur only as follows:

1. Consent

With the advance written or oral consent of a Holder of the Electronic Communications Record or if a Holder is physically present and consents to such examination or disclosure. Where there are two or more Holders of an Electronic Communications Record, the consent of only one Holder of an Electronic Communications Record is required. When no Holder of an Electronic Communications Record is available to give consent, the procedures in Section VI.B of this Policy shall be followed.

2. Without Consent

- a. If authorized in advance and in writing by the appropriate Vice Chancellor. The grounds for such authorization are specified in the ECP and generally exist where required by law (e.g. Information Practices Act, California Public Records Act, USA PATRIOT Act), in the case of suspected violations of the law or certain University policies, where there are Compelling Circumstances, or in the case of time-dependent, critical operational circumstances.

- b. In Emergency Circumstances as defined in the ECP, in which case ratification of the examination or disclosure shall be sought without delay from the Appropriate Vice Chancellor. If the action taken is not subsequently ratified, reasonable efforts shall be made to have the situation restored as closely as possible to that which existed before action was taken.
- c. If required by UCSD Internal Auditors in connection with an audit or investigation.

B. Notification

In all cases of examination or disclosure without consent, the perusal of contents of a Holder's Electronic Communications Records and the action taken to resolve an emergency or other situation shall be limited to the least perusal and action necessary to resolve it. In all such cases, the Appropriate Vice Chancellor or designee shall notify the Holder whose account was examined of the action(s) taken and the reasons for the action(s) taken at the earliest appropriate opportunity.

C. Report

The Director of Administrative Computing & Telecommunications shall be responsible for providing the Office of the President with a report summarizing instances of authorized or emergency non-consensual access.

D. Subpoenas, Search Warrants and Discovery

Subpoenas, search warrants, and discovery requests are not subject to Sections VI.A.1 and VI.A.2 and shall be processed in accordance with applicable federal and state laws and University policies, including PPM 470-1 "UCSD Guidelines for Serving, Accepting & Responding to Subpoenas", located on the Web at <http://adminrecords.ucsd.edu/ppm/docs/470-1.html>, and UC Business and Finance Bulletin RMP-10 "Instructions for Responding to Subpoena", located on the Web at <http://www.ucop.edu/ucophome/policies/bfb/rmp10.html> (RMP-10). Advance notice to individuals whose records are the subject of subpoenas shall be given in accordance with instructions and time requirements of RMP-10, except where prohibited by law.

VII. PRESERVATION OF EVIDENCE

In order to preserve evidence, UCSD may copy without notice Electronic Communications Records stored on or transmitted through UCSD Electronic Communication Services; provided, however, that Electronic Communications Records copied for this purpose shall not be accessed unless (a) consent of a Holder of the Electronic Communications Record is obtained, or (b) access without consent is permitted pursuant to this Policy (e.g. review is required to comply with a legal obligation).

VIII. APPEAL RIGHTS

Any Allowable User seeking review or appeal of actions taken under this Policy may initiate proceedings for review as follows:

- A.** Pursuant to UCSD Policies & Procedures Applying to Student Activities:
 - 1. [Section 22.00: Student Conduct and Discipline](#); and
 - 2. [Section 23.13: Grievance Resolution Process](#).
- B.** For faculty members who are not members of the Academic Senate, under [Section 140](#) of the "Academic Personnel Manual."
- C.** For faculty members who are members of the Academic Senate, under [Bylaw 230](#) of the "Bylaws of the San Diego Division of the Academic Senate."
- D.** For employees covered by the Personnel Policies for Staff Members, under [Policy 70](#) Complaint Resolution; [Appendix II for Senior Managers](#); and [Collective Bargaining Contracts](#) (Memoranda of Understanding) as applicable.
- E.** For other Allowable Users (including academic and staff employees covered by a Memorandum of Understanding), with their Designated UCSD Official.

Any request for review of or appeal from any decision or action taken under this Policy must be submitted in writing within thirty (30) days of the date of the decision or action which is sought to be reviewed.

IX. VIOLATIONS OF POLICY - SANCTIONS IN ADDITION TO ACCESS RESTRICTIONS

In addition to the access restriction sanctions discussed in Section V, violation of this Policy may subject a person to legal penalties and discipline within the University system. Faculty and staff members of the University who violate this policy will be subject to discipline under the Academic Personnel Manual, the Staff Personnel Manual, the manual of the Academic Senate and collective bargaining agreements, as applicable. Students, registered student organizations, and college organizations that violate this policy will be subject to disciplinary sanctions in accordance with the UCSD Student Conduct Code.

X. DIRECTORY INFORMATION

Faculty, staff and student electronic mail addresses and telephone numbers are considered "directory information" and will normally be treated as public information and as such will be published in various print and electronic directories. If a user does not wish to have his or her directory information published, he or she must contact the appropriate Electronic Communications System Manager and follow appropriate campus procedures to so request.

XI. ARCHIVING AND RETENTION

Record management policies apply to Electronic Communications Records, including the disposition schedules in the University Records Disposition Schedule Manual. UCSD does not maintain centralized electronic mail archives of all electronic mail sent or received. Electronic Mail is normally backed up, if at all, only to ensure system integrity and reliability, not to provide future retrieval. The integrity of Electronic Communications Records stored on or transmitted through UCSD's Electronic Communication Services is not guaranteed. Accordingly, users of these services assume the risk that stored Electronic Communications Records will be lost, corrupted or otherwise irretrievable. UCSD disclaims all liability for any and all loss or damage suffered by any user as a result of his or her use of or reliance on UCSD Electronic Communication Services.

XII. REFERENCES

The following list identifies sources referenced in or used as background for this UCSD Communications Procedures and Practices document. Users of this document may also wish to consult the general list of University Policies and Guidelines contained in [Appendix B](#) of the ECP.

Academic Personnel Manual (APM): [140 Non-Senate Academic Appointees-Grievances](#)

Business & Finance Bulletin (BFB): [IS-3 Electronic Information Security](#)

Bylaws of the San Diego Division of the Academic Senate: [230 Privilege and Tenure](#)

Personnel Policies for UC Staff Members Manual (PPSM): [70 Complaint Resolution](#)

Policy and Procedure Manual (PPM):

[160-2 Disclosure of Information from Student Records](#)

[480-3 Responsibilities and Guidelines for Handling Records Containing Information About Individuals](#)

University of California Policies Applying to Campus Activities, Organizations, and Students:

[130 Policies Applying to Disclosure of Information from Student Records](#)

UCSD Policies & Procedures Applying to Student Activities:

[22.00 Student Conduct and Discipline](#)

[23.13 Grievance Resolution Process](#)