

Imperial Valley Telecommunications Authority

(IVTA)

Acceptable Use Policy

Introduction:

One of the goals of IVTA is to provide K-12 schools and other public agencies, as deemed appropriate, with access to a high-speed backbone network infrastructure (IVTAnet) that interconnects those sites with each other and to information and communication resources worldwide.

To ensure the successful operation and management of the Imperial Valley Telecommunications Authority network (IVTAnet), it is understood and agreed that participant agencies will adhere to and apply the IVTA Acceptable Use Policy (AUP) governing information resources accessed both internally and externally to its domain.

IVTA participation is a privilege that is limited to defined educational and public agencies related community. This community affirms its belief that the value of the IVTAnet to each participant agency is so important to its mission as to preclude its user population from engaging in actions that jeopardize themselves or the network.

However, recognizing that individual user improprieties may occur from time to time, it is agreed by all parties that it is the obligation of each participant agency to resolve these conditions expeditiously so as to limit any impact across the network or on the participants directly or indirectly.

Improprieties not resolved by participant members in an expeditious and responsible manner could result in its IVTAnet service being suspended or terminated. Such actions shall only take place when a participant agency has failed to take action to remedy a situation after being given notice of the need to do so, in writing by the IVTA Board, upon the recommendation of the network administrator.

As an IVTAnet user, participant members are required to have an acceptable use policy that meets or exceeds the principles contained in this document. ***It is not the intent of the IVTA AUP to substitute for or replace local acceptable use policies.*** However, in matters pertaining to use of the IVTAnet, the IVTA AUP supersedes local AUPs.

Purpose:

The intent of the IVTA Acceptable Use Policy (AUP) is to ensure that all uses are consistent with IVTA's stated purpose, mission, and goals. The AUP does not articulate all required or proscribed behavior by IVTAnet participants, but it provides a framework of appropriate use within which users are required to honor the rights of other users, respect the integrity of the systems and related physical resources, and observe relevant laws, regulations, and contractual obligations.

IVTAnet Policy Principles:

It is the IVTA policy that:

1. Use of the IVTAnet to access or deliver information resources will respect the principles of public trust and academic freedom, and will comply with policies and regulations established by IVTA and with local, state and federal laws.
2. Participant agencies and their users must follow normal standards of security, ethics, conduct, and protocol when using IVTAnet. Responsible behavior includes consideration of other users, as well as the efficient use of IVTAnet resources in a manner that produces the desired effect or product with a minimum of effort, expense, or waste.
3. IVTA periodically educates IVTA participants on issues of public regulations, IVTAnet standards, and other reference proprietary guidelines that comprise the IVTA AUP program. Such information shall be communicated regularly, posted electronically and available as a file for printing locally by the participant agencies.
4. Participant agencies are required to educate their user communities regarding the IVTA AUP and the penalties for misuse and must respond swiftly with regard to any alleged violations.
5. It is mandatory that each participant agency maintains and enforces its own AUP and uses the IVTAnet AUP to supplement, not supplant, local policies. At minimum, IVTA requires that every participant agency will include in their policy document the following standards of security, ethics, conduct, and protocol:
 - a. Respect for the privacy of other users and for the integrity of computing systems; for example, users shall not seek information on, obtain copies of, or modify files, other data or passwords belonging to other users unless explicitly authorized to do so by those users. Nor shall they intentionally develop programs that harass other users. Nor shall they infiltrate a computer or information system and/or damage or maliciously alter the software components of a computer or information system
 - b. Compliance with copyright laws and license agreements.
 - c. Examples of Acceptable Use and Non-Acceptable Use.
 - d. Examples articulating proper etiquette, ethics, and security when using or gaining access to information resources.
 - e. A statement regarding the monitoring of activities during the course of performing normal system and network maintenance and/or while investigating alleged violations.

6. IVTA maintains the IVTAnet network pathways and gateways for its participant agencies to local, national, and international sources of information and provides an atmosphere that encourages access to knowledge and the sharing of information where students and staff may feel free to develop and to collaborate with colleagues at any agency, without fear that the products of their intellectual efforts will be violated by misrepresentation, tampering, destruction and/or theft. However, IVTAnet is merely a transport system facilitating passage to and distribution of information and IVTA has no editorial control over the content, material or data distributed or disseminated on the network. Users are responsible for the material that they access through IVTAnet.

7. Participant members must comply with the following:
 - a. External Network Usage – Rules for complying with the AUP and any security policies of the Internet service providers (ISP) and/or backbones as promulgated by the State and/or by IVTA.
 - b. Operating Policies – Issued from time-to-time by IVTA, these policy statements include, but are not limited to, rules governing routing, use of network numbers, and network bandwidth. Should there be a conflict between IVTA policy and the policies developed by other participant institutions in this regard, the IVTA policy shall prevail.
 - c. Law – Local, state, and federal laws, statutes and regulations which address such matters as unlawful access, injury to any computer, computer system, computer network, computer program, data and/or data systems, or information and/or information systems to which IVTAnet provides access and/or services. This includes laws and regulations regarding copyright, patents and trademarks, such as the federal copyright law, which prohibits the reproduction, distribution to the public, public performance or display, or creation of a derivative work without permission of the copyright owner, requires that service providers remove or block access to infringing works on notice, and requires that service providers terminate the accounts of users who repeatedly infringe copyright. Users of the IVTAnet shall secure appropriate permission to distribute protected material prior to distribution of any such material over the IVTAnet. Although users may assert a defense of fair use against allegations of infringement, this comes into play only after legal action has begun.
 - d. Participating agencies will cooperate with law enforcement in conducting investigations of illegal activities that allegedly originate in their domains and make use of IVTAnet resources.

General Acceptable Use:

Examples of acceptable use include, but are not limited to, the following:

1. Activities that are part of the support infrastructure needed for instruction, scholarship and institutional/agency management of the participant members.
2. Instructional applications engaged in by students and staff.
3. Communication and exchange for professional development, to maintain currency, or to debate issues in a field or sub-field of knowledge.
4. Subject matters/discipline associations, government-advisory, or standard activities related to the user's research, instructional/agency and/or administrative activities.
5. Applying for or administering grants or contracts for instruction, professional infrastructure upgrades, student support services, and governmental purposes.
6. Announcements of new products or services used by member agencies.
7. Access to information resources, computers, and people throughout the world.
8. Interaction by electronic mail and other means of electronic communication.
9. Access to libraries, information resources, databases, and news from commercial and non-commercial sources.
10. Importation of licensed software or other copyrighted material for fair use or with permission.
11. Administrative, academic, and research-related discussion groups.
12. E-commerce activities in support of the administrative and academic programs of participant institutions.
13. Video conferencing by and between member agencies and non member agencies.
14. Public presentations through the use of PEG channel access.

Unacceptable Uses:

Examples of unacceptable use include, but are not limited to, the following:

1. Any illegal use of IVTAnet in support of illegal activities is prohibited. Illegal use shall be defined as use that violates local, state and/or federal law. This includes, but is not limited to, the following: stalking others, transmitting or originating any unlawful, fraudulent or defamatory communications, transmitting copyrighted material beyond the scope of fair use without permission of the copyright owner, or any communications where the message or its transmission or distribution, would constitute or would encourage conduct that is a criminal offense.
2. Activities that interfere with or disrupt network users, services, or equipment. Such interference or disruption includes, but is not limited to, distribution of unsolicited advertising or mass mailings; "spamming;" propagation of computer worms or viruses; denial of service (DOS) or other network disruption attacks; and using IVTAnet to make or attempt to make unauthorized entry to other computational, informational or communications devices or resources.
3. Use in furtherance of profit-making activities (consulting for pay, sales or distribution of commercial products or services for profit, etc.) or use by for-profit companies, unless specifically authorized by the IVTAnet Steering Committee and IVTA Board of Directors
4. Use in support of partisan political activities.
5. Use for private or personal activities that exceed IVTAnet related research, instruction, or administrative applications, or when there is personal monetary gain.
6. Services Provided to Third Parties:
 - a. IVTAnet participant institutions and their authorized agents are prohibited from acting as a host site or hub for external agencies or other organizations wishing to gain access to the IVTAnet backbone except as authorized by IVTA.
7. Commercial Use:
 - a. IVTAnet's purpose is focused on serving the education mission and programs of participant institutions. Except as authorized by IVTA, commercial activities including those provided to non-profit entities are prohibited.
8. Advertising and Mass Mailings:
 - a. Product advertising and mass mailings of commercial matter are prohibited unless authorized by IVTA.
9. Adverse Affects Prohibited:
 - a. IVTA may judge any use that adversely affects the operation of IVTAnet or jeopardizes the use by or performance of other members as inappropriate. These are activities that exceed normal bandwidth demands and/or affect the integrity of the network.

Authorized Use and Notice of Monitoring:

IVTAnet is for authorized users only. As a general rule, IVTA does not routinely inspect, monitor or disclose content. However, anyone using the network consents to monitoring and is advised that, if the monitoring process reveals evidence of criminal activity, IVTA might provide the content and transmission details to law enforcement and national defense agencies as appropriate. In the course of network maintenance or performance monitoring, the activities of individuals using the network may be monitored. Individuals found to be using the network in excess of their authority or contrary to this AUP are subject to having all of their activities on the network monitored and recorded to ensure subsequent compliance with policies and procedures.

Enforcement and Violations:

IVTA or its designee(s) will review alleged violations of the IVTAnet AUP and report violations to the appropriate participant agency or agencies. In addition to any legal sanctions, violations of the policy, which are not promptly remedied by the participant agency, may result in action by IVTA up to and including the termination of IVTAnet services. As specified in the contract between IVTA and the IVTAnet node sites, IVTA is entitled to treat any breach of the AUP as a breach of contract and may exercise all appropriate contractual remedies, as well as remedies specified herein. Participant institutions will hold harmless, defend and indemnify IVTA, and any institution acting as an authorized agent for IVTA, in the delivery of IVTAnet, against any claims and liabilities arising out of their use of IVTAnet services.

Participant agencies who have been taken off-line and/or had their services terminated may be reinstated once they have presented to IVTA convincing evidence, satisfactory to IVTA, that they have remedied the impropriety leading to such action.

Modifications to Acceptable Use Policy:

This policy in its original configuration is sent to all member agencies by certified mail. This policy may be amended from time-to-time by IVTA. Any additions, deletions, or changes to the IVTAnet Acceptable Use Policy enacted by IVTA will be sent by e-mail to all participant institutions. The IVTA Web site (<http://www.IVTA.net>) shall be the source for the most up-to-date information at any given time.