

DRAFTS SEQUENCE:

1. Policy 3.75 in effect now;
 2. Recommended revisions from joint faculty-administration task force's (with input from Employee Council and Administrative Deans' Council), in track changes mode;
 3. Recommended revisions from joint faculty-administration task force's (with input from Employee Council and Administrative Deans' Council), CLEAN VERSION;
 4. Faculty Senate's clean final draft in the form of Proposition 19-09/10, revising #3;
 5. Compare version b/t #4 and #3.
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Verbatim excerpt from current NMSU Policy Manual

3.75 ***Personal Use of University Resources*** (See also 2.35 NMSU General Information and Communication Technology Policies [*Amendment, deleting material superseded by amended Policy 2.35, Adopted by Administrative Council 04.14.09; Ratified by Board of Regents 07.29.09*])

The university deals constantly with the public's perception of how the university conducts its business. University employees, should always be mindful of the resources entrusted to them by the public, government entities, and private donors. Employees should be mindful of the necessity for conducting themselves with the highest ethical principles; of avoiding any action that may be viewed as a violation of the public trust in the use of these resources; and of their responsibility to act so that others are not deprived of access to these same resources as they perform their duties. These resources include, but are not limited to, employee's time, facilities, supplies, and equipment, such as telephones, fax machines, and computers. Employees do not have a right or expectation to privacy as it relates to information or data contained on or accessed through university equipment or resources.

Guidelines: The use of the university's resources and services for non-official purposes is permitted only in compliance with the following criteria:

1. The cost to the university must be negligible.
2. The use must not interfere with an employee's obligation to carry out university duties in a timely and effective manner. Time spent engaged in the non-official use of university resources is not considered to be university work time.
3. The use must in no way undermine the use of university resources and services for official purposes.
4. The use neither expresses nor implies sponsorship or endorsement by the university.
5. The use must be consistent with state and federal laws regarding obscenity, libel, or the like, and state and federal laws and university policies regarding political activity, the marketing of products or services or other inappropriate activities.
6. Users should be aware that internal or external audit or other needs may require examination of uses of university resources or services and should not expect such uses to be free from inspection.

In applying these guidelines, each case will depend upon the particular circumstances and other important factors such as materiality or reasonableness. The ultimate control, therefore, lies with each employee's supervisor, as that person should have direct knowledge of the behaviors and needs of the individual employee. Employees should consult with their supervisors in advance if they have any questions about appropriateness of certain practices. A supervisor's decision cannot, however, circumvent other policies and procedures that may restrict personal use beyond the limitations cited in these guidelines. For example, the use of telephones, fax machines, mail services, and vehicles must comply with existing university policies; the use of university resources in political activity is prohibited.

Mail Services: Personal and non-university-business mail should not be placed at pick-up points for the university-employed carriers. Likewise, university accounts should not be charged for mailing personal material.

Pornographic Material: Employees downloading, printing, accessing, forwarding, transmitting or viewing pornographic material on the university computers during and after work time is not allowed. Those who may happen to see the material could potentially report the incidents as offensive and/or inappropriate for the work environment.

Vehicles: (See Chapter 9 Facilities and Services – Transportation Services-Rental/Lease)

01.11.10 Compare Version Task Force's Proposed Revised 3.75 to Current 3.75

3.75 ***Non-Work Related Use of University Resources*** (See also 2.35 NMSU General Information and Communication Technology Policies) [Amendment, deleting material superseded by amended Policy 2.35, adopted by Administrative Council 04.14.09; ratified by Board of Regents 07.29.09]

University employees should always be mindful of the resources entrusted to them by the public, government entities, and private donors, including the public's perception of how the university conducts its business. Employees should strive to conduct themselves consistent with the highest ethical principles, to avoid any action that may be viewed as a violation of the public trust in the use of these resources, and to act responsibly in order to preserve and/or safeguard university resources. These resources include, but are not limited to, employee's time, facilities, supplies, and equipment, such as telephones, fax machines, and computers. Employees do not have a right or expectation to privacy as it relates to information or data contained on or accessed through university equipment or resources.

The application of the following guidelines for non-work related use will depend upon the particular circumstances surrounding each such use, including factors such as the nature of the use, reasonableness, cost, time, employee needs and work habits etc. Employees should consult with their supervisors in advance if they have any questions about appropriateness of certain practices. A supervisor's decision shall not, however, circumvent or override applicable university policies and procedures.

Guidelines: The use of the university's resources and services for non-work related purposes is permitted only in compliance with the following criteria:

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- 3. The use does not undermine the use of university resources and services for official purposes, nor violate any university policy or state or federal law.
- 4. The use neither expresses nor implies sponsorship or endorsement by the university.
- 5. The use does not involve the viewing, displaying, downloading, printing, procuring, or transmitting of sexually explicit material; nor of any other material that would violate University policy or the law, including but not limited to, those relating to sexual harassment, fraud, hostile workplace, obscenity, libel, defamation, or hate/violent misconduct.
- 6. Users should be aware that internal or external audit or other needs may require examination of uses of university resources or services and should not expect such uses to be free from inspection.
- 7. University Resources shall not be used in furtherance of business/marketing or political activities for non-work related purposes.
- 8. The NMSU internal mail delivery system shall not be used to deliver non-work related material. University accounts shall not be charged for mailing personal and non-university business material.
- 9. NMSU vehicles shall not be used for personal or non-university business purposes. See also Policies 9.33 (Vehicle Assignments); 9.34 (Fleet Asset Management Program); and the Vehicle Use Procedures.

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01.11.10 "CLEAN" Version Task Force's Proposed Revised Policy 3.75 – Non-Work Related Use of University Resources

3.75 *Non-Work Related Use of University Resources (See also 2.35 NMSU General Information and Communication Technology Policies) [Amendment, deleting material superseded by amended Policy 2.35, adopted by Administrative Council 04.14.09; ratified by Board of Regents 07.29.09]*

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- 9. NMSU vehicles shall not be used for personal or non-university business purposes. See also Policies 9.33 (Vehicle Assignments); 9.34 (Fleet Asset Management Program); and the Vehicle Use Procedures.**

04.12.10 Faculty Senate clean version of a proposed revised 3.75

- 3.75 ***Non-Work Related Use of University Resources*** (See also 2.35 NMSU General Information and Communication Technology Policies) [*Amendment, deleting material superseded by amended Policy 2.35, adopted by Administrative Council 04.14.09; ratified by Board of Regents 07.29.09*]

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04.12.10 Compare Version between the Task Force's proposed revised 3.75 and the Faculty Senate's Prop 19-09//10 revising the proposed revision:

3.75 ***Non-Work Related Use of University Resources*** (See also 2.35 NMSU General Information and Communication Technology Policies) [Amendment, deleting material superseded by amended Policy 2.35, adopted by Administrative Council 04.14.09; ratified by Board of Regents 07.29.09]

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