

Memo

To: PFT

From: Bob

Re: Proposed Computer Use Policy

Date: Thursday, March 22, 2012

I have reviewed the District's proposed computer usage policy and procedure. The policy and procedure are, in general, in violation of employees' statutory and Constitutional rights, and contains heavy-handed rules which are intrusive of the right of the privacy, and which are divorced from the real world. This Memo addresses only the Policy. The procedures are addressed in a separate memo.

The proposed policy forbids any non-education personal use, even though personal use is commonplace and engaged in by all District employees, including managers, trustees, administrators, students, etc. The policy is out-of-touch with the real world.

I. The Policy

Proposed Policy 3720 declares that users "must ... refrain from using the resources [computers and communication networks] for non-educational personal and/or private commercial purposes ..."

This is overbroad, and must be modified to take into account Constitutional and statutory rights, and reality.

1. Email is like oral and written communication.

The sending of email and its receipt, via a District server, is akin to oral, face-to-face communication, as well as U.S. mail communication. As such, faculty (not to mention administrators, trustees, staff, students, guests and visitors) routinely, on a daily basis, access the internet from the District's facilities, for personal and private commercial purposes. As such, the District has no more right to prohibit faculty (and the other noted groups) from engaging in such activities during their non-work time.

2. Personal and commercial use of the internet is allowed, and actually invited.

No one need have a password to access the internet from the district's wifi connections at each of its colleges. There is no cost either.

Faculty are supplied with District computers, nearly all laptops, so that they can work "around the clock," responding to students, grading exams, posting information to their classes on the "Moodle," communicating with each other, participating in shared governance, accessing the faculty and other listservs, discussing issues of interest to them and the college community. Faculty cannot carry two computers to work - one is burdensome enough, what with books,

exams, quizzes, papers, etc. Faculty routinely, on a daily basis, use these computers for personal purposes.

Many faculty have other jobs, facilitated by their schedules. English teachers write fiction, poems, essays, contribute to journals and magazines, edit others works; faculty in the sciences collaborate with others on their own distinctive, non-school projects; astronomers participate in activities at the Chabot Science Center; artists paint, draw and hold private classes; physical education teachers engage in private coaching; music teachers perform, or conduct other orchestras, provide concerts to the community; the list is endless. Even District administrative personnel may engage in commercial ventures, participate in ACCJC activities for compensation, and so forth. Board members own businesses, participate in non-Peralta organizations, or teach at other colleges. Even the District's Vice Chancellor of Human Relations, Ms. Largent, has a private business and on Thursday afternoon, April 7, 2011, was conducting an investigation of the City of Stockton's Fire Chief in Stockton, CA.

Because of the blurring of once was a hard, bright line between work and other activities, personal, commercial, political, union-related, there is no line any longer, just a few rules such as (1) one cannot engage in the personal during work time; and (2) one cannot use certain district resources for certain forms of political advocacy advocacy.

Thus, in declaring that there shall be **no** non-education or personal use of district resources, the District is like the Emperor with no clothes. This is not reality.

As our demand letter of March 8 emphasized, email is a substitute for oral and written communication. No one would accept that the District could eavesdrop on personal communications phone, in person, or mail communications between, let's say, the conductor of a community chorale who happens to be a Peralta teacher, and members of the private chorale group. Yet this policy both forbids such communications from a district owned or borrowed computer and allows the District to store and view the communication, or hand it over to whomever the District wishes. This is not only wrong, it is contrary to reality, and illegal.

Therefore, the District should delete its policy reference to "no use," and state instead:

"The procedures shall include that users ... refrain from engaging in personal and/or private commercial activities during working time ..."