

SUBJECT: SOFTWARE USAGE

Supersedes: 2001-2002 DPS Policy Manual, No. 10.10 – Computer Hardware/Software and Office Equipment Use, dated July 14, 2000

Effective: February 15, 2005

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1.0 POLICY PURPOSE

The Detroit Public Schools (DPS) purchases and licenses the use of computer software from a variety of outside companies. Any duplication except as provided for by the license, is a violation of the Federal Copyright Act and related statutes and is prohibited. The purpose of this policy is to prevent DPS employees from violating software licenses and applicable law when using computer software.

2.0 POLICY

DPS personnel assigned as end-users of computer systems used for DPS business will agree to the following terms and conditions for the use of software:

- Not to reproduce or duplicate software, in any way, except as provided by the license agreement between DPS and the software manufacturer.
- To provide proper software registration information needed to obtain a Proof of License and to properly maintain such record of all software licenses with the Division of Technology and Information Systems (TIS) or the Local Network Administrator (LNA).
- To assist TIS in the prevention of unauthorized use of software that may occur inadvertently by the transfer or re-assignment of computer systems.
- Not to install, load, or use unauthorized software and to only use software that is authorized for use on DPS computers.
- To abide by the terms of the license agreement as it pertains to the use of software on DPS provided computer systems as well as on “at home” or personal computer systems used for DPS business.

3.0 MONITORING

To ensure adherence to license agreements, DPS reserves the right to monitor the activity and data content of all computer equipment housed in DPS work locations and to monitor privately owned computer systems when used for DPS business. DPS work location software audits will take place on a periodic random basis by TIS personnel. DPS personnel must report to TIS and their LNA, the presence of unauthorized or illegal software on DPS systems.

4.0 ISSUANCE OF REGULATIONS/STANDARD OPERATING PROCEDURES

The Chief Technology and Information Systems Officer has developed regulations and/or standard operating procedures to implement this policy.

5.0 FAILURE TO COMPLY

Any employee found violating this Software Usage policy in any manner, including but not limited to, by using, installing, or loading software other than as permitted by the governing license agreement is subject to disciplinary action (in conformance with DPS' disciplinary policies) up to and including termination of employment, and/or relevant legal action.

6.0 EXCEPTIONS

There are no exceptions to this policy.

7.0 AGREEMENT

I, _____ (print name) have read the Detroit Public Schools Software Usage policy, dated _____. I understand it and agree to abide by it.

Signed

Attachments: Administrative Regulation 13.09 – Software Usage

See also: None

Legal References: None

Labor Contract References: None

DETROIT PUBLIC SCHOOLS
ADMINISTRATIVE REGULATION

SOFTWARE USAGE

This Administrative Regulation implements Detroit Public Schools Policy 13.09 – Software Usage

Proof of License

Software licenses purchased with Detroit Public Schools (DPS) funds represent a significant investment. As such, it is important such software be stored securely and carefully managed. It is the responsibility of each end-user to help the designated Local Network Administrator (LNA) and the Division of Technology and Information Systems (TIS) maintain records of all software licenses obtained by DPS and in use at that school or work location. These records will be in the form of "Proof of License" certificates or card issued by the software vendor.

Therefore, the following guidelines must be adhered to:

1. Each end-user must give a copy of all DPS software licenses to the LNA for completion of registration and inventory requirements. TIS and the LNA will maintain a library of all software licenses and registrations.
2. Due to personnel turnover, software licenses must be registered in the name of DPS and not in the name of an individual end-user.
3. Unauthorized software must not be installed, loaded, or used on DPS computer systems or on personal computers used to conduct DPS business.

Installing unauthorized software on a computer system, workstation, or network server within DPS can lead to potential system failures, system degradation or viruses. Unauthorized installations also place DPS, school, and individual involved at risk for civil and criminal action, which can result in punitive measures imposed on all parties involved. The installation of unauthorized or illegal software carries civil fines of up to \$150,000 per copy of unlicensed software and criminal penalties of up to \$250,000, or a five-year jail sentence, or both.

Transferability

In most cases, a software license is not transferable without prior authorization from the vendor. This is especially important as it relates to the disposition of previous releases and the disposition of software licenses that have been upgraded. For example, it is almost always a violation of the license agreement to give anyone an old version of Microsoft Windows after receiving a Microsoft Windows upgrade. Even if a new license (not an upgrade) has been obtained, it may be a violation of the license agreement to give the old copy to another person.

As licensee, DPS is subject to the same restrictions regarding transferability as any individual. At the same time, as licensee, DPS does have rights to reassign software

under some conditions. For this reason, all software and documentation for releases or versions that have been replaced by newer versions are to be returned promptly to TIS or the LNA. Similarly, all software and documentation for those products no longer required should be returned promptly to the TIS central software library or to the LNA, and the software must be uninstalled promptly from the computer. Upon relinquishing, TIS will review license restrictions for each product and, if possible, make that software available for use by other DPS employees.

Due to the frequent reassignment of personal computers among employees, a common problem is what can be termed "residual software." Residual or leftover software, results when a system is transferred between employees without following the proper procedures before reconfiguration or reassignment. If, after the transfer, both employees are using the software, an additional license must be obtained by DPS. In order to prevent such occurrences of "unintentional piracy," all personal computer reassignments are required (1) to be authorized by the building administrator or departmental manager(s) involved, and (2) to be reported to TIS or the LNA at least 72 hours in advance to allow for proper transition. This will help to ensure accurate asset tracking and compliance with licensing restrictions.

Personal Software

Personal software is defined as "software that an employee has acquired for non-business" ostensibly on a home computer. The only software permitted for installation on DPS computers is software for which DPS has been granted a license. The installation or use of personal software as defined above on DPS computers represent a potential liability for DPS. Such software may not be installed on DPS computers without prior authorization from TIS and the LNA.

Use at Home

In general, most software is licensed for use on one computer at a time with a provision for making only one backup copy of the software. That one backup copy can, in fact, be placed into use if the original is considered to be the "backup" but the key prohibition is that the user must not use the backup and original at the same time. Most software licensed to DPS cannot be run on home and work computers. Some software vendors, however, permit employees, who are licensed to use the product at "the office" and to install and use the same software at home under certain limited conditions. DPS has no specific policies prohibiting such use. However, employees are responsible for any loss and/or damage that might occur to the software and documentation resulting from "at home" use, even though licensed to DPS.

If the software license states it is eligible for home use, the following conditions must be adhered to:

- Use of the product is restricted to DPS business.
- The product must be removed from the computer, if the individual is no longer employed by DPS.

Shareware or Freeware Software

Shareware is one of the more likely methods by which a system might become infected by a computer virus. Therefore, any download, transfer or installation of Shareware or Freeware Software requires authorization from TIS and from the LNA.

Document Identification: Policy 13.09 - Software Usage

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