

	Florida Gulf Coast University Policy Manual	Policy: 3.021
	Email	Responsible Executive: <i>Vice President for Administrative Services and Finance</i> Responsible Office: <i>Business Technology Services</i>

I. POLICY STATEMENT

Email communications are a vital way in which members of the Florida Gulf Coast University community conduct University business. It is the goal of the University to ensure email communications are being created, maintained, and retained consistent with University policy and applicable law.

II. REASON FOR POLICY

The purpose of this policy is to inform users of the University Email System that electronic communications, University-issued email accounts, or emails discussing University business, regardless of the email system, are not private or confidential and are subject to disclosure. Moreover, this policy seeks to educate users on the appropriate and inappropriate use of the email system. Finally, this policy provides information on the records retention requirements for University Email.

III. DEFINITION OF TERMS

- A. *University Email*: An electronic communication that perpetuates University business, regardless of the computer or email account through which the electronic communication is created.
- B. *Public Record*: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. The content of an email or its attachment, regardless of whether or not it is on the University email system, is a public record when it meets this definition.
- C. *University Email System*: The email system used by University employees, volunteers and vendors to conduct University business. Email accounts on this system end in @fgcu.edu.
- D. *User*: Any person or entity assigned an email account on the University Email System (e.g. an account ending in @fgcu.edu). Students using the student email system (e.g., an account ending in @eagle.fgcu.edu) are not Users under this definition.

IV. PROCEDURES

A. User Email Accounts

The University Email System and a University-issued email account are made available to each User in order to conduct University business. All University Email created, delivered, or received through the University Email System, including those messages of a personal nature, are the property of the University. Consequently, University Email may be accessed, copied, deleted, or reviewed by the University at any time without the consent of the person creating or receiving the email. Users of the University Email System should understand they have no right to privacy as to any information or messages created, received or maintained through the University Email System. Notwithstanding, a User's personal email and/or personal information contained in University Email will be afforded privacy when such University Email does not interfere with job performance, is not illegal, entails no risk of liability to the University, or is otherwise exempted from disclosure under Florida's Public Records Law. Incidental personal use of the University Email System is permitted, to the extent that it does not interfere with work duties. However, federal and Florida law, as well as University regulations which govern the content of emails (i.e. copies of written documents, trade secrets, etc.), will be applied.

B. Standard University Confidentiality Notice

In accordance with Section 668.6076, Florida Statutes, all email sent from the University Email System must include, in substance, the following notice:

*****CONFIDENTIALITY NOTICE*****

Florida has a very broad public records law. As a result, any written communication created or received by Florida Gulf Coast University is subject to disclosure to the public and the media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to the University. Instead, contact the University by phone or in writing.

C. Storage and Retention of University Email as a Public Record

Emails created in the course of University business are subject to Florida's public records laws. Each User of the University Email System is responsible for the storage, retention, and destruction of their individual emails. University Email must be stored and retained in accordance with Florida's public records laws and Records Retention Schedule. The University's Records Management Liaison Officer (RMLO) will assist Users on the retention and destruction of emails on the University Email System. The Business Technology Services (BTS) Office will assist Users on maintaining email archives within the University Email System.

D. Closing of email accounts

1. Each User of the University Email System, upon giving notice of their intent to leave their position, shall be responsible for preparing their email account to be retained by the University. BTS shall assist the employee in retaining the contents of his or her email account.
2. Upon an employee's separation from employment with the University, it is the responsibility of that employee's supervisor to ensure the separating employee's University-issued email account is retained. BTS shall assist the supervisor in storing and retaining the contents of the separating employee's email account.
3. A separating employee's account will be deleted by BTS thirty (30) days following the date of separation.

E. Improper Use

The following are inappropriate uses of the University's email system. Items of this nature should not be sent. This list is not exhaustive, but contains key items that will be deemed inappropriate use of the email system:

1. Use of materials that contains explicit sexual content that are not necessary for University business, including academic instruction and research.
2. Use which is illegal, contrary to the University's best interest, or which violates or conflicts with the University's regulations and policies on non-discrimination or anti-harassment.
3. Uses designed to create revenue for the sender which are not related to University business, and are for personal or pecuniary gain.
4. Sending an email transmission whether inside or outside of the FGCU Email System such that it evokes others to transmit email messages which consequently bombard the University's or any other email system (e.g., bombardment).
5. Use of Internet sites, which may damage or interfere with the University's computer network, including use that generates the delivery of "junk" electronic mail.
6. Any actions that misrepresents the sender or attempts to mislead the recipient to the identity of the sender (e.g., false identification).
7. Sending a letter generated in such a manner as to evoke the sending of an increasing number of email messages (e.g., chain letters, virus hoaxes, etc.).
8. Messages intended to gather personal identification information (e.g., "Phishing" or "Spear Phishing").

9. Intentional messages sent that include or direct recipients to computer viruses, worms, or other harmful software.
10. Activity of a partisan nature or political activity not related to the employee's authorized University duties and responsibilities.

F. Access to University-issued Email Accounts

1. Sharing of individual University email accounts (including access password) is prohibited. A User who shares their University email account will be responsible for all activity sent or received from their account.
2. In order for a User to request access to another University Email account, the User must make that request to the division Vice President of the User. The Vice President will determine whether the request is necessary for University business and if so, arrange with BTS, in consultation with the Office of the General Counsel, to gain access to that email account.
3. When related to an investigation, the failure to allow access to a User's email may be grounds for disciplinary action.

G. Emails for University-wide distribution

A User must be authorized to send University-wide emails through the All University Faculty and Staff, All Staff (A&P, SP), All Faculty, and All Adjunct mailing lists. A request to be added to the All University Faculty and Staff, All Staff (A&P, SP), All Faculty or All Adjunct sender's list must be made through BTS. Notwithstanding, in the case of critical University computing system messages, BTS is authorized to send University-wide emails to any all-employee mailing list.

H. Computer Crimes

Unauthorized use of the University Email System can be a crime under the Florida Computer Crimes Act, the Computer Fraud and Abuse Act, as well as violate the laws of libel, privacy, copyright, trademark, obscenity, and child pornography. Employees, and to the extent applicable, students, must comply with all applicable laws or be in violation of this Policy.

I. Students

Notwithstanding anything to the contrary, a student using the student email system (e.g. an account ending in @eagle.fgc.edu) may be disciplined for failure to comply with Section E and H of this policy, except that Section E.10. does not apply.

J. Violations

1. A student found to be in violation of this policy may be subject to discipline under Regulation FGCU-PR 4.002, *Student Code of Conduct and Student Conduct Review Process*, and may be referred to law enforcement officials for prosecution.
2. An employee found to be in violation of this regulation may be subject to discipline under Regulation FGCU-PR5.016, *Disciplinary Actions*, or as may be provided in the Collective Bargaining Agreement, as applicable, and may be referred to law enforcement officials for prosecution.

V. HISTORY

New 01/30/06; Amended 09/03/09, Amended 09/18/15

APPROVED

*/sWilson G. Bradshaw
President

09/18/15
Date

ARCHIVED