



USM Office IT Operations

E-mail Policy

Effective: April 23, 2014

All @usmd.edu e-mail related to the University System of Maryland (USM) is the property of the USM and is considered a public record. This includes e-mail stored on personally owned computers, mobile devices (laptops, tablets, smart phones, etc.) in addition to any devices owned by the USM.

I. Policy Statement

University System of Maryland Office (USMO) electronic mail users must abide by the guidelines in this policy and protect e-mail documents according to USM policies and Maryland State laws.

II. Reason for Policy

The purpose of this policy is to set forth guidelines relating to the permissible use of the USMO's electronic mail system ("e-mail"); to delineate the USMO's right of access to e-mail; and to clarify policies relating to the retention and destruction of e-mail.

III. Definitions

1. Electronic communication – Any means of transmitting and receiving messages over electronic media such as telephone, fax or computer.
2. USMO e-mail system – E-mail services provided by the USM Office through the Office of Information Technology.
3. Unsolicited e-mail – The sending and receiving of electronic junk mail or spam.
4. Chain letters – Sending non work-related e-mail messages to others with the intent to have them send it to others.

IV. Responsible Executive and Office

Responsible Executive: Associate Vice Chancellor for Information Technology

Responsible Office: USM Office of Information Technology

V. Entities Affected by this Policy:

This policy applies to all USM staff (full-time, part-time, or contractual) who have USM Office e-mail accounts.

VI. Procedures:

A. Acceptable Use

1. The USM Office provides the USMO e-mail system for administrative functions supporting its mission. Although modest personal use of the e-mail system is allowed, the e-mail system should primarily be used for USMO-related administrative purposes. E-mail made or received by USM staff using the USMO e-mail system is presumed to be made and/or received in the course of USMO employment and is subject to federal, state and local laws and regulations, including the Maryland Public Information Act (PIA), and USMO policies, including not only laws, regulations and policies that are specific to computers and networks, but also those that may apply generally to personal conduct. Anyone performing official USMO business is required to utilize USMO e-mail system account(s) and not personal e-mail accounts. Use not consistent with this policy will be considered unauthorized use.

B. Privacy and Confidentiality

1. The USM Office will make reasonable efforts to maintain the integrity and effective operations of the USMO e-mail system, but users should not regard e-mail as a secure medium for the communication of sensitive or confidential information. Because of the nature of electronic communication, the USMO can assure neither the privacy of an individual user's usage of the e-mail system nor the confidentiality of her/his messages.
2. All information created, received, or contained in the e-mail system is a public record and will be subject to public disclosure under the Maryland Public Information Act ("PIA") unless a PIA exception to disclosure applies. Even if a PIA exception prevents public disclosure, such information may be subject to disclosure in a court proceeding unless it is otherwise protected from disclosure (for example, by the attorney-client privilege for confidential communications in which legal advice is sought or received). Any questions about whether a document is subject to production or disclosure should be referred to the Office of the Attorney General. e-mails sent or received become part of the public record, even if a user deletes the e-mail from his or her account. Using the term "confidential" in an e-mail or including USM counsel as a recipient in an e-mail sent to others will not protect the e-mail from disclosure. Users should exercise particular caution about sending confidential information (e.g., information about the medical or mental condition

of employees; information about the evaluation, performance or discipline of USMO employees; information relating to the investigation, defense, or prosecution of any pending judicial action or administrative charge in which the USM Office or any employee thereof are parties; information relating to the investigation, resolution or disposition of any complaint or charge involving faculty, staff or students of USM institutions, including, but not limited to, complaints and/or charges involving fair practices, grievances or alleged discrimination; and information relating to the request for or delivery of legal advice or employer/employee relations assistance) via unencrypted e-mail, and should limit any such communications (or further disclosure of any such communications) to those with a legitimate need to know.

C. Prohibited Uses

1. The e-mail system may not be used for unlawful activities or for commercial purposes that are not directly related to the mission of the USM Office or otherwise authorized. Other prohibited uses of the e-mail system include, but are not limited to:
 1. Sending copies of documents or inclusion of the work of others into e-mail in violation of copyright laws.
 2. Sending junk mail or spam messages.
 3. Using e-mail to harass, intimidate, defame or discriminate against others or to interfere with the ability of others to conduct business on behalf of the USM Office.
 4. Soliciting e-mail from any other e-mail address, other than that of the poster's account; creating or forwarding Chain Letters or solicitations for business schemes; using e-mail originating from within the USM Office network for commercial purposes or personal gain.
 5. Sending the same or similar non-business-related messages to large numbers of e-mail recipients such as mass-e-mailing.
 6. Misrepresenting (including forgery) the identity of the sender or the source of an electronic communication.
 7. Acquiring or attempting to acquire passwords of others.
 8. Using or attempting to use the computer accounts of others.
 9. Altering the content of a message originating from another person or computer with intent to deceive.
 10. Deleting another person's postings without authorization.
 11. Obtaining access to the files or e-mail of others without a substantiated business purpose.
 12. Attempting unauthorized access to e-mail or attempting to breach any security measures on any e-mail system, or attempting to intercept any e-mail transmissions without proper authorization.
 13. Using e-mail to publicize or further the campaign of political candidates.

14. Using e-mail for any purpose restricted or prohibited by laws or USM policies.

D. Retention and Disposal

1. Employee e-mail may be a public record subject to disclosure under the Maryland Public Information Act and, to the extent allowed by existing e-mail retention capability, e-mail in the USMO e-mail system may be subject to the record retention schedules established by Maryland law, USMO Records Retention Standards, and policies. The USMO reserves the right to retain e-mails in the USMO e-mail system as necessary. Federal laws may require retaining e-mail in the USMO e-mail system for a specific time as defined by individual laws (e.g. FERPA, HIPAA, and FRCA).
2. Employees who have knowledge of matters about which one can reasonably anticipate that legal action may be brought or a subpoena may be issued are under a legal duty to preserve all relevant e-mails. The failure to observe this legal duty may result in Court-ordered monetary sanctions and other penalties, as well as significant obstacles to the defense of a claim. Although all information must be preserved, it will not be disclosed prior to review by the Office of the Attorney General to determine whether it is subject to any legal exception to disclosure. The preservation duty includes all forms of electronic records and communications held in devices used to create or store such records, including USMO-owned devices as well as personally owned devices used in part or in whole to conduct USM business.
3. Upon an employee's separation of employment, the employee's e-mail account may be terminated and the USM Office shall have the right to access e-mail made or received by the employee using the USMO e-mail system or which is otherwise made or received in the course of employment. An employee who separates from employment shall not remove, destroy, or copy any of the business-related e-mail entrusted to his/her care or created by him/her during employment, unless otherwise permitted in writing by the USM Office.
4. USM Office IT Operations places no limits on the amount of data that an employee may retain in the USMO e-mail system, nor are messages automatically removed from the USMO e-mail system due to their age, with the exception of messages in the "Deleted Items" or "spamassassin" folders.
5. At this time, USM Office for IT Operations retains backup files for a limited time before backup drives are re-used. In certain circumstances, the USMO may issue a litigation hold requiring employees (or the IT Operations Staff on behalf of the employee) to retain Electronic Communication(s), including e-mail, that is created, received, maintained or stored on the USMO e-mail system.

E. Intellectual Property

1. A staff member does not lose any ownership interest he/she has in intellectual property pursuant to USM policies on intellectual property, simply because the work is communicated through e-mail. However, if there is a dispute regarding ownership of the work, the USM Office has the right, upon written notification to the faculty or staff member, to obtain access to the work (and to any e-mails in which the work is communicated) for the purpose of determining whether the USM Office has an interest in it.

F. Access and Disclosure

1. Access to the USM Office's information technology resources, including the e-mail system, is a privilege. The USM Office reserves the right to limit, restrict or remove access to its resources when policies or laws are violated and to use appropriate means to safeguard its resources, preserve network/system integrity, and ensure continued service delivery at all times.
2. E-mail may constitute USM Office "correspondence" or "computerized records" and therefore may be considered public records subject to disclosure under Maryland's Public Information Act or other laws, or as evidence in a legal action.
3. The USM Office does not routinely inspect, monitor, or disclose e-mail without the holder's consent. The USM Office, however, shall have the right, in its discretion, to access, retrieve, inspect and disclose the contents of e-mail for USM Office-related purposes, which may include, but are not limited to:
 1. maintaining system integrity;
 2. protecting health and safety;
 3. preventing interference with the academic or administrative mission of any USM institution;
 4. performing required internal investigations;
 5. complying with legal requests and demands.

G. Policy Violations

1. Violations of USM Office rules and policies governing the use of the USMO e-mail system may result in administrative or disciplinary actions or in any other action allowed by law or regulation. Such actions may include revocation or restriction of use of the e-mail system; disciplinary action including suspension or termination; and/or legal action, including referral to appropriate law enforcement authorities. Faculty/staff actions should be referred to Human Resources.

H. Policy Changes and Third Party Policies

1. This policy may be amended from time to time.