



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Information Technology
AREA: Computer and Information Technology

Procedure 04.06.02

SUBJECT: Software License Policy

I. PURPOSE AND SCOPE

The purpose of this policy is to provide Texas Southern University employees with the appropriate guidelines by which to utilize hardware and software to perform their jobs. This policy is also intended to protect the integrity of the University's computer environment from viruses while maintaining compliance with the U.S. copyright laws, software license agreements, and state law. This policy applies to all employees who use information systems technology, regardless of job position.

II. STATEMENT OF CONDUCT

Computer hardware and software are University assets owned by the State of Texas whose use is limited to University business. The University provides employees with the hardware and software needed to perform their jobs in an efficient and effective manner. Each employee is expected to utilize hardware and software in accordance with licensing requirements, state law and University policy.

The software used by employees is provided under license agreements that determine how and where the software may be legally used. It is the policy of this University to comply with these license agreements. According to the U.S. Copyright Act, illegal reproduction of software is subject to civil damages of as much as \$100,000 per title infringed and criminal penalties, including fines of as much as \$250,000 per title infringed and imprisonment of up to five years. Employees who illegally duplicate software and/or its documentation or otherwise fail to meet the requirements of the software license agreement and of this policy are subject to disciplinary action, up to and including termination of employment.

III. POLICY PROVISIONS

- A. User Education. All employees who use information systems technology will be given the University's Technology Code of Ethics and Computer Use Policy in order to promote, educate and increase employee awareness on the legal and ethical use of microcomputer hardware and software.

- B. Proof of Legal Software. The legal use of software will be ensured through possession of the original (or copied) dated purchase materials such as invoices, original license agreements, or a complete set of user documentation (manuals, diskettes, and license). The proof of legal software will be provided to employees upon request. The clarification of terms or conditions in the license agreements will be obtained by the Office of Information Technology and not left up to any employee's private interpretation.
- C. Software Suites/Bundled Software. Applications within a suite cannot be broken up and used by different individuals. If one application within a suite is in use, the entire suite is in use. No software purchased as a "suite" (e.g., Microsoft Office includes Word for Windows, Excel, and PowerPoint) will be "divided" and installed as "individual software products" on another computer.
- D. Software Metering. Software installed on servers for concurrent usage (accessed simultaneously by two or more employees) will be metered to ensure software license compliance as well as reduce costs associated with unnecessary software licenses, provide efficient use of hard disk space, and improve system performance.
- E. University-Owned Software. University-owned software is defined as software purchased by and/or licensed to the University for use on individual workstations and/or network servers in accordance with the software license agreement. Only University-owned or approved software may be installed and maintained on University computers. Third-party consultants or contractors using University-owned computers must be prepared to provide proof that the software they purchase and install on University-owned hardware is legal and necessary to perform the business functions required by the University. Evidence of this proof must remain with the software while installed on University-owned hardware.
- F. Non-University Purchased Software. The use of non-University purchased software such as personally owned, shareware, and public domain software, is not recommended on University-owned computers due to potential liabilities associated with copyright infringement and/or computer viruses. The exception to this would be that the individual has proven (or demonstrated) the need for such software to perform their job responsibility and obtained written approval from their management. The use of non-University purchased software without written approval from the Chief Information Officer (CIO) is prohibited; approval is contingent on presentment of proof of purchase.
- G. Personally--owned Software. Personally owned software is defined as software purchased by an individual employee and not the University. Personally owned software is normally purchased for use on the employee's personally owned computer. Personally owned software is not a part of the University's assets. The use of personally owned software increases the difficulty of software asset management and increases liability associated with software copyright infringements.

If management determines that special circumstances warrant an immediate need to use personally owned software, proof of legal software must be determined as earlier noted. Evidence of this proof must remain with the software while installed on University-owned hardware. The use of such software shall be for a limited time allowing for the approval and purchase of such software by the University. The use of personally owned software without written approval from the Chief Information Officer (CIO) is prohibited; approval is contingent on presentment of proof of purchase.

- H. **Unauthorized Software.** The University defines unauthorized software as any software not approved for use. The use of unauthorized software is not permitted. Employees will be held individually liable for any system damages (hardware and/or software) that result from the use of unauthorized software and for costs associated with the correction of such damages.
- I. **Shareware.** Shareware is copyrighted software that is distributed freely through bulletin boards and on-line services. Shareware has a preview/evaluation period after which the user is required to send the developer payment for the right to continue its use. The use of shareware software imposes liability on the associated with software copyright infringements and the risks of virus infections. The use of shareware products will be allowed only under special circumstances. For continued use, payment must be made as specified by the developer. Approval to use such software must be obtained in writing from the Chief Information Officer. The use of shareware without written approval is prohibited.
- J. **Freeware and Public Domain.** Freeware is copyrighted software but does not require payment for the right to use it. Public domain software comes into being when the original copyright holder explicitly relinquishes all rights to the software. The use of freeware and public domain software increases the potential spread of computer viruses from unknown and/or unreliable distribution sources with no recourse. The use of shareware products will be allowed only under special circumstances. Approval to use such software must be obtained in writing from the Chief Information Officer. The use of freeware or public domain software without written approval is prohibited.
- K. **Evaluation Software.** When Texas Southern University is offered the use of product(s) or has a need to bring in product(s) for testing and evaluation purposes, several statutes, rules, and authorities are involved. Evaluation software must have prior written approval by the Chief Information Officer before installation and evaluation testing.
- L. **Games.** Computer games are sometimes bundled with purchased software. Generally, games are of no value to the University. The use and execution of games on University-owned computers is prohibited.

- M. Home Use of University-Owned Software. Employees who are permitted by their management, in accordance with the software license agreement, to use software purchased by the University on their home computer must abide with state law and University policy.
- N. Telecommuting & Mobile Computing. Employees who utilize a University-owned computer to telecommute/work from home or for mobile computing shall abide with state law and University policy.
- O. University-Provided Services. University-provided services include, but are not limited to, telephone, dial-in/dial-out, fax machine, copier machine, postal/messenger mail, e-mail, supplies, and the Internet. Each employee is expected to utilize such services in accordance with state law and University policy.
- P. Supervisors have the responsibility to promote and enforce this policy. Management shall identify any policy violations and take appropriate disciplinary action.
- Q. Any faculty or staff member found to be in violation of this policy will be subject to severe disciplinary action, up to and including immediate termination.

IV. HARDWARE AND SOFTWARE ASSET ACQUISITION AND MANAGEMENT

- A. Acquisition of Software. Software acquisition is restricted to ensure that the University has a complete record of all software that has been purchased for University computers. Although funding for software purchases will remain departmental, all software acquired by Texas Southern University must be purchased through the Office of Information Technology (OIT), which will register, support and upgrade software accordingly. Software may not be purchased with state purchasing cards or travel cards. Purchase requisitions or reimbursement request submitted for software purchases software purchase will be rejected and returned to the end user.
- B. Budgeting for Software. When acquiring computer hardware, software and training must be budgeted by departments at the same time. When purchasing software for existing computers, such purchases will be charged to the department's budget for information technology or to an appropriate budget set aside for tracking software purchases.
- C. Software Registration. When software is delivered, it must first be delivered to the Software Manager in OIT so he/she may complete registration and inventory requirements. The Software Manager is responsible for completing the registration card and returning it to the software publisher.
 - 1. Software must be registered in the name of Texas Southern University and the job title or department in which it will be used. Due to personnel

turnover, software should never be registered in the name of the individual user.

2. The Software Manager shall maintain a register of all University software and will keep a library of software licenses. The register must contain: a) the title and publisher of the software; b) the date and source of software acquisition; c) the location of each installation as well as the serial number and asset tag number of the hardware on which each copy of the software is installed; d) the name of the authorized user; e) the existence and location of backup copies; f) the software product's serial number.

D. Software Installation. After the registration requirements above have been met, the Software Manager will authorize installation of the software. Manuals, tutorials, and other user materials will be provided to the user. A copy of the applicable license agreement will be provided to the user. Once installed on the hard drive, the original media will be kept in a safe storage area maintained by the Software Manager.

E. Inventory. It is the responsibility of the Office of Information Technology, with assistance from each division, to maintain a complete inventory of all microcomputer hardware and software purchased and used by each department, office and college. Each department, office and college section may choose to appoint a hardware and/or software administrator to assist the Office of Information Technology.

V. SYSTEM AUDITS

The Office of Information Technology and/or Office of Internal Audit may conduct periodic audits of computer hardware, including laptop computers, to ensure the legal use of software and provide better management of the University's assets. This audit may be done with or without prior employee notification.

VI. USING CONTRACTORS OR TEMPORARY HELP

The University must at times use contractors and/or temporary help to supplement project needs. Contractors and temporary employees may not load any software on University computer systems without the written consent of the Chief Information Officer. In addition, Contractors and temporary employees may not load University software on their PC equipment. Contractor and temporary employee computer assets will be subject to a software audit before the completion or termination of their contract.

VII. USER AGREEMENT

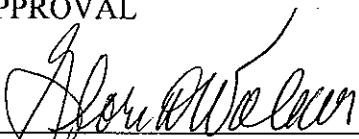
All University employees are required to review this policy and complete the User Agreement, which is included as Addendum A to this policy. The completed User Agreement should be returned to the employee's supervisor to maintain in the employee's department file. A copy of the signed User Agreement shall also be forwarded to the Records unit of the Office of Human Resources to maintain in the employee's official personnel file.

VIII. REVIEW AND RESPONSIBILITIES

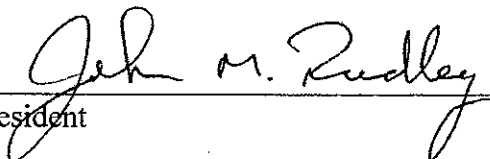
Responsible Party: Chief Information Officer

Review: Every three years, on or before September 1

IX. APPROVAL



Chief Operating Officer



President

06/24/09

Date of President's Approval

Addendum A

SOFTWARE LICENSE POLICY USER AGREEMENT

I affirm that I have read Texas Southern University's Software License Policy and agree to abide by it as a condition of my continued employment by the University. I understand that violation of these policies may result in discipline and/or termination of my employment.

Employee signature

Date

Position

Department