Dear colleagues,

Hereby I share with you, as requested and as permitted, information regarding the computer logon screen which existed earlier this week. I have removed the various back-and-forth garbage.

1. The logon screen message for those of you that never saw it.

Notice on UMKC Faculty & Staff Computers at Start-Up, Blocking Access Until “Consent” Is Granted and Constitutional Rights Are Waived

“This computer system and/or network is the property of the Curators of the University of Missouri. It is for authorized use only. Users (authorized or unauthorized) have no explicit or implicit expectation of privacy. Any or all uses of this system and all files on this system may be intercepted, monitored, recorded, copied, audited, inspected, and reported to authorized site, government, and law enforcement personnel, as well as authorized officials of government agencies, both domestic and foreign.

By using this system, the user consents to such interception, monitoring, recording, copying, auditing, inspection, and disclosure at the discretion of such personnel or officials. Unauthorized or improper use of this system may result in civil or criminal penalties and administrative or disciplinary action, as appropriate. By continuing to use this system, you indicate your awareness of and consent to these terms and conditions of use.

Log off immediately if you do not agree to the conditions stated in this warning.

[OK] [box that must be clicked in order to use computer]

2. The CRR articles that this is supposed to be based on:

ACCEPTABLE USE POLICY
Bd. Min. 9-14-00.
110.005 ACCEPTABLE USE POLICY
This policy applies to all users including faculty, staff, students, and guest users of University of Missouri computer networks, equipment, or connecting resources.

A. UNIVERSITY INSPECTION OF PERSONAL ELECTRONIC INFORMATION -- Electronic information on University networks or equipment, including, but not limited to, electronic mail and personal information, is subject to examination by the University where:

1. It is necessary to maintain or improve the functioning of University computing resources;

2. Where there is a suspicion of misconduct under University policies, or suspicion of violation of Federal or State laws; or

3. It is necessary to comply with or verify compliance with Federal or State law.

B. ACCEPTABLE USE GUIDELINES

1. Responsibilities of Users of University Computer Resources:
a. Respect the intellectual property rights of authors, contributors, and publishers in all media.

b. Protect user ID, password, and system from unauthorized use.

c. Adhere to the terms of software licenses and other contracts. Persons loading software on any University computer must adhere to all licensing requirements for the software. Except where allowed by University site licenses, copying software licensed for University use for personal use is a violation of this policy.

d. Adhere to other University and campus policies, including the Collected Rules and Regulations of the University of Missouri, and, if applicable, the University Business Policy Manual, Human Resources Manual and policies established for a specific resource.

e. Adhere to data access policies of the University or those established by law.

f. Use University computer resources in a manner that is compliant with University policies and State and Federal law.

2. Prohibited Uses of University Computer Resources:

a. Unauthorized or excessive personal use. Use may be excessive if it overburdens a network, results in substantial use of system capacity, or otherwise subjects the institution to increased costs or risks (employees additionally may be subject to discipline for unauthorized or excessive personal use of computer resources.)

b. Uses that interfere with the proper functioning of the University's information technology resources.

c. Uses that unreasonably interfere with the ability of others to make use of University computer resources.

d. Attempting to gain or gaining unauthorized access to the computer system, or files of another.

e. Use of University computer resources to infringe the intellectual property rights of others.

f. Use of University computer resources for personal profit, except as permitted under the University's conflict of interest policy.

C. ENFORCEMENT OF ACCEPTABLE USE POLICY — Violation of the Acceptable Use Policy may result in a denial of access to University computer resources, and those disciplinary actions provided or authorized by the Collected Rules and Regulations of the University of Missouri.

3. Email interactions by Gary Ebersole with President Elson Floyd (Rearranged in chronological order)

From: Ebersole, Gary L.  
Sent: Wednesday, September 29, 2004 9:55 AM  
To: Floyd, Elson S.  
Subject: Orwelian policy

Dr. Floyd,

Yesterday the notice included here as an attachment began appearing on UMKC faculty & staff computers when you attempt to start up a university computer. I find this totally unacceptable and trust that you will as well. This policy (set by whom? with what goal ork intent?) asks faculty & staff to waive their constitutional rights each and every time they sit down at their work station in order to perform their duties. This is an outrageous policy that threatens freedom of speech and the freedom of ideas that define the university as such! If this obstructive and invasive policy & notice is not removed immediately, it will cause a firestorm here. I predict that faculty will shut down the university rather than accept this draconian policy.
Who are "authorized personnel?" Who authorizes them? What, if any, limits to their powers exist? Who gets to define what constitutes unauthorized or improper use of a computer? Who decides when criminal prosecution is warranted or administrative action? We cannot be asked to give unnamed persons carte blanche power over our lives!

I am appealing to you to intervene immediately before a very volatile situation develops.

Gary L. Ebersole
Professor of History & Religious Studies

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From: Floyd, Elson S.
Sent: Thursday, September 30, 2004 8:26 PM
To: Caruso, Ralph; Wright, Marvin E.
Cc: May, Regina A.
Subject: FW: Orwellian policy

Dear Ralph and Bunky:
Do you know anything about this notice?
Please advise.
Thank you.

Elson S. Floyd, Ph.D.
President
University of Missouri
321 University Hall
Columbia, Missouri 65211
(573) 882-2011

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From: Caruso, Ralph
Sent: Fri 10/1/2004 9:39 AM
To: Ebersole, Gary L.
Cc: Hines, Mary Lou
Subject: FW: Orwellian policy

Gary,

President Floyd asked me to contact you on this issue. This was not cleared through my office or to the best of my knowledge with General Counsel’s office. Also, this is statement is not consistent with Board Policy. I am attempting to contact Mary Lou Hines, UMKC CIO about this issue. Thank you for bringing it to the President’s attention.

Ralph

Ralph H. Caruso
Vice President Information Systems
University of Missouri - System
225 University Hall
Columbia, MO 65211
carusor@umsystem.edu
(573) 882-9200
(573) 884-5255 fax

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From: Ebersole, Gary L.
Sent: Friday, October 01, 2004 10:48 AM
To: Caruso, Ralph
Subject: RE: Orwellian policy

Ralph,

Thank you for your attention to this matter. I could not believe or accept the statement from our administration that this was standard UM System policy. Even if one has the legal authority to do something, to assert it in a blatant and sweeping fashion—an “in-your-face” style of leadership—is unwise, to say the least. I would think UMKC had learned this lesson after the university foolishly asserted its power of eminent domain several years ago in order to raze neighborhood houses. The resulting PR fiasco is one we have only begun to overcome. I fear our administration will have destroyed any sense of trust between faculty and staff and the administration with this policy. I hope I am wrong because if that has been squandered, we will need a new leadership team.
From: Caruso, Ralph  
Sent: Fri 10/1/2004 10:57 AM  
To: Ebersole, Gary L.  
Subject: RE: Orwellian policy  

Gary,

   Thanks, I sent a copy of Board Policy and recommended that they take this off immediately. Will keep you posted. Board Policy is attached.

Ralph

Ralph H. Caruso  
Vice President Information Systems  
University of Missouri - System  
225 University Hall  
Columbia, MO  65211  
carusor@umsystem.edu  
(573) 882-9200  
(573) 884-5255 fax

From: Ebersole, Gary L.  
Sent: Friday, October 01, 2004 11:07 AM  
To: Caruso, Ralph  
Subject: RE: Orwellian policy  

Thanks again, Ralph. May I assume that it is OK to share your email with the members of the Faculty Senate here?  
Gary

From: Caruso, Ralph  
Sent: Fri 10/1/2004 11:11 AM  
To: Ebersole, Gary L.  
Subject: RE: Orwellian policy  

Gary,  
Yes.

Ralph

Ralph H. Caruso  
Vice President Information Systems  
University of Missouri - System  
225 University Hall  
Columbia, MO  65211  
carusor@umsystem.edu  
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