POLICY

It is expected that college personnel and students will not violate federal laws or commercial software license agreements as they acquire software using Ocean County College resources and oversee its installation on Ocean County College computers and peripheral equipment.

This policy does not address the extent to which copyrighted software can be displayed or used for classroom or laboratory instruction in accordance with the "fair use" of software provision of the 1976 U.S. Copyright Act and the Fair Use Guidelines for Educational Multimedia.

Software Acquisition and Installation
Software may be acquired through various methods using various sources. These include:
- regular college purchasing department procedures using institutional accounts;
- professional development fund procedures for faculty and staff;
- textbook software distributed by publishers;
- demonstration and shareware software supplied by vendors and others;
- personal and freeware software;
- software downloaded from the Internet;
- software transferred from one OCC computer to another.

Irrespective of these acquisition methods, software shall not be installed on OCC computers or peripheral equipment without first notifying the Office of Information Technology (OIT). OIT personnel will only install software when acceptable proof of ownership is provided. Installation of software by anyone other than OIT staff should be done carefully by experienced computer users. Any software or data disks loaded onto OCC computers or peripheral equipment must be checked for viruses. Any questions regarding software licenses should be referred to the chief administrative official of the Office of Information Technology.

Faculty, staff and students using Ocean County College equipment to download software from a resource available on the Internet must follow the steps outlined by the source provider. Students are only permitted to download software that is in the public domain and is classified as freeware.   Faculty and staff shall contact OIT for advice if a financial commitment is associated with downloading the software.

College Software
Employees wishing to use restricted or unrestricted funds in department accounts must submit a purchase requisition to the Purchasing Office wherein the requisition will be processed in accordance with the N.J. County College Contracts Law. Software ordered through the purchase order system provides the necessary information required to authorize installation and to update the software database maintained by the Office of Information Technology for licensing and copyright compliance.

Faculty and Staff Professional Development Software
Faculty and staff using professional development funds to acquire software shall copy their purchase requests to OIT for logging. Upon receipt, the software shall be delivered to OIT for virus screening and installation. This software is the personal property of the faculty/staff member.

Textbook Software
Publishers send software to be used with their textbooks. Unless specifically stated otherwise by the publisher, this software is only to be used if the textbook is adopted for use by the department. Software sent as a sample from a textbook publisher is the equivalent of a demo or shareware. If the department, or a faculty member, chooses to use it, but does not adopt the textbook for use, the
and the publisher. Textbook software can only be used by a department if the faculty are using the textbook and must be removed if another text is adopted. OIT will check yearly with the department concerned to determine if the textbook is still in use.

Ocean County College, Toms River, NJ   ADMINISTRATION
COMMUNICATION SYSTEMS
<u>Software Acquisition, Use, Transfer and Removal #2510</u>

<u>Demo and Shareware Software</u>

The installation of demo and shareware software is permitted, provided OIT is first notified of the acquisition. A short and reasonable period of time for testing is permitted. After the testing time, a decision must be made to either purchase the software or remove it from the computer. The decision to purchase or provide financial payment to the publisher of the shareware software must follow approved college purchasing procedures.

<u>Personal Employee and Free/Public Domain Software</u>

If an employee chooses to install personal copies of software on an OCC computer or peripheral equipment, acceptable proof of ownership must be provided to the Office of Information Technology. Acceptable proof consists of a purchase receipt, a copy of the software license, verfication of original disks, or completion of a form identifying employee ownership. Similarly, documentation regarding freeware software must be shared with OIT.

<u>Software Use</u>

1. Those who purchase or use copyrighted software are expected to be aware of all the conditions of the vendor's license agreement and to abide by them - including any restrictions on the copying of programs and documentation. When backup copies of software are permitted, the copies must be used only as permitted by the licensing agreement.

2. Software that is purchased for the classroom or laboratory shall be used only in the manner authorized by the seller.

3. Software acquired pursuant to a site license must be used and copied in accordance with that license.

4. Individuals must keep track of all software they purchase or receive through grants or donations. Copies of applicable licensing agreements and supporting documents to establish purchase of the software must be maintained in their files. The original materials must be transferred to the Office of Information Technology.

<u>Software Transfer</u>

If software is transferred between offices, departments, or individuals within the college, the original copy shall be transferred, and all back-up copies shall be transferred or destroyed. The transfer must be completed by OIT staff or an experienced user who has the responsibility of notifying OIT of the transfer.

<u>Software Removal</u>

Software shall not be removed from any OCC computer without notifying the Office of Information Technology. OIT staff shall be responsible for removing the software from the official college software inventory list and for the disposal of the software.

Adopted: December 8, 1997

PROCEDURE

Software Acquisition

College Software

College employees shall use the following steps when acquiring software using restricted or unrestricted funds in departmental budgetary accounts.

1. User department generates a purchase requisition which requires the budget manager's approval. This request is submitted to the Office of Administrative Services.
2. Administrative Services forwards the request to the Office of Information Technology for technical review and advice.
3. Upon return, Administrative Services seeks pricing based on the nature of the item and the estimated dollar value.
4. With solicitation results, pricing concerns are reviewed with the user department. Product questions are reviewed with the user and the Office of Informational Technology.
5. After a decision to award, a purchase order is processed with delivery to OIT; (purchase order copy to user department and OIT).
6. Material is received in Central Receiving and delivered to OIT by Office Services.
7. In the case of a Master Site License, the Executive Director of Administrative Services reviews the agreement (forwards to College Attorney if required), signs agreement, and forwards a duplicate to OIT for its records. The original file is retained in the Office of Administrative Services.

Adopted: December 9, 1997