

Overview

No employee or consultant shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law. This procedure sets forth the guidelines for permissible, limited, and prohibited uses of district resources regardless of the type of district resource.

Applicability

This procedure applies to all district resources, including any person, money, or property. It applies to computers, technological resources such as network bandwidth, and mechanical and non-mechanical devices.

The prohibitions regarding the use of public resources do not apply to the use of public resources to benefit another person as part of the officer's or employee's official duties.

Definitions

- A. "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. Personal purpose does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.
- B. "Campaign activity" is governed by Administrative Procedure 7370–Use of District Resources for Political Activity.
- C. "Public resources" means any property or asset owned or leased under a contract/ agreement by the district, including but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and district-compensated time.
- D. "Use" means a use of public resources that is substantial enough to result in a gain or advantage to the user or a loss to the district for which a monetary value may be estimated.

MiraCosta Community College District

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Effective Date: 11/16/10

Periodic Review:

References: Government Code §8314
Penal Code §424

California Community Colleges Chancellor's Office Use of District Resources for Partisan Purposes–Legal Advisory 04-05, dated September 16, 2004

CCLC Update: -

Steering: VPHR / AS/ADMIN/CSC

- E. "Public moneys" includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of the district.

Nothing in this procedure shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of California, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

Specifically Prohibited

The following uses of district resources are specifically prohibited:

- A. Any use for the purpose of conducting an outside business.
- B. Any use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by the superintendent/ president or designee.
- C. Any use related to a campaign or political use unless otherwise authorized.
- D. Any use that is commercial, such as advertising or selling.
- E. Any use of district property that has been removed from district facilities or other official duty stations, even if there is no cost to the district.
- F. Any use that violates a federal or state law or regulation, or a district policy.
- G. Any use that implies or suggests district endorsement of a partisan political activity, religious belief or activity, or commercial product or service.
- H. Any use that utilizes nonpublic information for personal gain not contemplated by the terms of employment.
- I. Any use that misrepresents to others that a personal purchase is for the district when it is not.

Vehicles owned, leased, or rented by the district may be used for personal purposes (driving home) only under very limited circumstances with prior approval by the superintendent/ president or designee.

De Minimis Use of Consumable District Property

District employee may not make private use of any district property that is consumable, such as paper, envelopes, or spare parts, even if the actual cost to the state is de minimis (so minor as to merit disregard).

Occasional/Limited Use

District employees may make occasional but limited personal use of district resources as authorized by Government Code §8314 if each of the following conditions is met:

- A. If the use is not specifically prohibited or subject to qualifications and limitations noted above.
- B. There is little or no cost to the district.
- C. The use of district resources does not interfere with official duties.
- D. The use is brief in duration, occurs infrequently, and is the most effective use of time or resources.
- E. The use does not disrupt or distract from the conduct of district business due to volume or frequency.
- F. The use does not disrupt other district employees and does not obligate them to make personal use of district resources.
- G. The use does not compromise the security or integrity of district information or software.

Use of Computers, E-Mail, and Internet

A district employee may use district computers and other equipment to access computer networks or other databases, including the Internet and electronic mail, provided such use conforms to ethical standards indicated above under "occasional/limited use" and the use is not prohibited above under "specifically prohibited." (See Board Policy/Administrative Procedure 3720–Computer and Network Use, and “*Compliance Statement for Access to District Data and Information Systems*”, dated September 2005).

Promoting Effectiveness/Job Skills

District officials may authorize a personal use of district resources that promotes organizational effectiveness or enhances the job-related skills of a district employee.

Reimbursement

In general, a district employee may not make private use of district resources and then reimburse the district so there is no actual cost to the district; however, in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the district in advance and must result in no cost to the district. To be valid under this rule, the reimbursement system must be approved by the superintendent/president in advance and in writing.