

Email Policy

1 Introduction

- 1.1 This Email Policy has been developed in response to the acknowledged need for guidelines describing the acceptable use of the Institute's email and related services and facilities.
- 1.2 The Policy is maintained and regulated by the ICT Services Department in consultation with the Board of Governors of the Institute.
- 1.3 The Policy is cross-referenced to a number of other Institute policies and regulations, including the Conditions of Employment, Disciplinary Procedures and General Regulations for Students (as outlined in the Prospectus). Copies of these policy statements are obtainable from the Registrar's Office and may be found on the Institute's website.
- 1.4 The Policy will be distributed to users of the email and related services and facilities. There will also be periodic re-issue of the Policy, supported by sign-up acceptance by users of the facilities.
- 1.5 The Policy will be reviewed and, if necessary, amended from time-to-time, with particular regard to the expected developments in the operational use of the system, and by reference to the development of recognised best practice.

2 Purpose of the Email Policy

- 2.1 The Email Policy provides guidance about acceptable use, for the purpose of sending or receiving email messages and attachments, of any ICT facilities, including hardware, software and networks, provided by St Joseph's Theological Institute. The Policy also describes the standards that users are expected to observe when using these facilities for email, and ensures that users are aware of the legal consequences attached to inappropriate use of the facilities.
- 2.2 The Policy establishes a framework within which users of these email facilities can apply self-regulation to their use of the facilities.
- 2.3 The Policy is designed to advise users that their usage of facilities for email will be monitored and, in some cases, recorded. The Policy is also linked to the Institute's Disciplinary Procedures for students and staff, and usage of email facilities in breach of the Policy may lead to appropriate disciplinary action being taken.
- 2.4 The Policy also specifies the actions that the Institute will take in the investigation of complaints received from both internal and external sources, about any unacceptable use of email that involves Institute ICT facilities.

3 Policy Statement

3.1 Scope of the Policy

This Email Policy applies to the use, for the purpose of sending or receiving email messages and attachments, of any ICT facilities, including hardware, software and networks, provided by St Joseph's Theological Institute.

3.2 Appropriate and Proper Use

St Joseph's Theological Institute supports the appropriate use of the Internet, email, and related services and facilities that the Institute provides for its students, staff and other authorised users.

3.3 Regulatory Framework

Associated with the provision of these services and facilities, St Joseph's Theological Institute takes seriously its responsibility to provide an appropriate regulatory framework, including specific standards and guidance for the appropriate use of these Institute services and facilities. The Email Policy constitutes a component of this regulatory framework.

Use of all ICT facilities provided by St Joseph's Theological Institute is subject to the relevant Policies and Regulations, in particular the Institute ICT Regulations and the Institute Internet Policy Statement.

3.4 Acceptance of Policies and Regulations

It is a condition of use of ICT and email facilities provided by St Joseph's Theological Institute, by a student, member of staff or other authorised person, that the user agrees to be bound by the relevant Institute Policies and Regulations.

3.5 Monitoring Arrangements

St Joseph's Theological Institute will maintain appropriate monitoring arrangements in relation to all Internet, email and related services and facilities that it provides, and the Institute will apply these monitoring arrangements to all users.

These arrangements may include checking the contents of, and in some instances recording, email messages for the purpose of:

- establishing the existence of facts relevant to the business;
- ascertaining or demonstrating standards which ought to be achieved by those using the facilities;
- preventing or detecting crime;
- investigating or detecting unauthorised use of email facilities;
- ensuring effective operation of email facilities; or
- determining if communications are relevant to the business – for example where an employee is off sick or on holiday.

The Institute may, at its discretion, apply automatic message monitoring, filtering and rejection systems as appropriate, and deny transmission of messages with content that is unacceptable in the terms of this Policy.

These monitoring arrangements will operate on a continual and continuing basis, with the express aim of monitoring compliance with the provisions of the Institute's ICT Regulations for the purpose outlined above as permitted by Electronic Communications and Transactions Act, 2002.

3.6 Disclaimers

The Institute will arrange for an appropriate disclaimer to be appended to all email messages that are sent to external addresses from the Institute, in order to provide necessary legal protection.

3.7 Action in the Event of a Breach of the Standards of Acceptable Use

In circumstances where there is assessed to be a breach of the standards of acceptable use, as described in section 4 of this Policy, the Institute will, as a first action, act promptly to prevent continuance or repetition of the breach, for example to withdraw any unacceptable materials. This action will be taken in accordance with the normal managerial arrangements, and will typically involve liaison between the appropriate member(s) of the Institute Management Team and the ICT Consultant.

Subsequent action will be described below.

Indications of non-compliance with the provisions of the Email Policy will be investigated, as appropriate, in accordance with the provisions of the Institute's Disciplinary Procedures, as applicable to staff and students.

Subject to the findings of any such investigation, non-compliance with the provisions of the Email Policy will lead to appropriate disciplinary action, which could include dismissal on the grounds of gross misconduct. Furthermore, publication of some materials may not only amount to disciplinary offence, but also a criminal offence, in which case the issue will be reported to the South African Police Service for them to take appropriate action.

4 Standards of Acceptable Use

4.1 Appropriate Use of the Institute Provided Services and Facilities

The main purpose for the provision by the Institute of ICT facilities for email is for use in connection with teaching, learning, research, and approved business activities of the Institute.

ICT facilities provided by the Institute for email should not be used:

- i. for personal use, other than as specified in paragraph 4.4 below
- ii. for the transmission of unsolicited commercial or advertising material, chain letters, press releases, or other junk mail of any kind, to other users, user organisations, or organisations connected to other networks, other than where that material is embedded within, or is otherwise part of, a service to which the member of the user organisation has chosen to subscribe
- iii. for the unauthorised transmission to a third party of confidential material concerning the activities of St Joseph's Theological Institute
- iv. for the transmission of material such that this infringes on the copyright of another person, including intellectual property rights.
- v. for the deliberate unauthorised access to services and facilities acceptable via the JANET network (<https://www.jisc.ac.uk/janet>) or other such research sites.

- vi. for the unauthorised provision of access to Institute services and facilities provided by third parties
- vii. for activities that unreasonably waste staff effort or networked resources, or activities that unreasonably serve to deny service to other users
- viii. for activities that corrupt or destroy other users' data
- ix. for activities that disrupt the work of other users

4.2 General Standards of Use

ICT facilities provided by the Institute for email should not be used:

- i. for the creation or transmission (other than for properly supervised and lawful research purposes) of any offensive, obscene or indecent images, data, or other material, or any data capable of being resolved into obscene or indecent images or material
- ii. for the creation or transmission of material which is designed or likely to cause annoyance, inconvenience or needless anxiety
- iii. for the creation or transmission of material that is abusive or threatening to others, or serves to harass or bully others
- iv. for the creation or transmission of material that either discriminates or encourages discrimination on racial or ethnic grounds, or on grounds of gender, sexual orientation, marital status, disability, political or religious beliefs. St Joseph's Theological Institute is committed to fostering a learning and working environment free of discrimination where everyone is treated with dignity and respect
- v. for the creation or transmission of defamatory material
- vi. for the creation or transmission of material that includes false claims of a deceptive nature
- vii. for so-called 'flaming', i.e. the use of impolite terms or language, including offensive or condescending terms
- viii. for activities that violate the privacy of other users
- ix. for criticising individuals, including copy distribution to other individuals
- x. for publishing to others the text of messages written on a one-on-one basis, without the prior express consent of the author
- xi. for the creation or transmission of anonymous messages, i.e. without clear identification of the sender

xii. for the creation or transmission of material which brings the Institute into disrepute
Institute management will exercise its discretion in judging reasonable bounds within the above standards for acceptability of material transmitted by email.

The Institute regards the declaration of standards, as described above, to be particularly important. They reflect the values and beliefs of St. Josephs Theological Institute.

4.3 Preventing the Spread of Malicious Software (Viruses, Trojans, etc.)

Users of the Institute's ICT facilities must take all reasonable steps to prevent the receipt and transmission by email of malicious software

In particular, users

- must not transmit by email any file attachments which they know to be infected with a virus
- must ensure that an effective Internet Security system is operating on any computer which they use to access Institute ICT facilities
- must not open email file attachments received from unsolicited or untrusted sources

4.4 Personal Use

The main purpose for the provision by the Institute of ICT facilities for email is for use in connection with teaching, learning, research, and approved business activities of the Institute.

The Institute permits use of its ICT facilities for email by students, staff and other authorised users for personal use, subject to the following limitations:

- i. a level of use that is reasonable and not detrimental to the main purpose for which the facilities are provided
- ii. priority must be given to use of resources for the main purpose for which they are provided
- iii. personal use must not be of a commercial or profit-making nature, or for any other form of personal financial gain
- iv. personal use must not be of a nature that competes with the University in business
- v. personal use must not be connected with any use or application that conflicts with an employee's obligations to St Joseph's Theological Institute as their employer
- vi. personal use must not be connected to any purpose or application that conflicts with the Institute's rules, regulations, policies and procedures
- vii. personal use must comply with the Institute's policies and regulations, in particular the Email Policy

5 Legal Consequences of Misuse of Email Facilities

In a growing number of cases involving the civil or criminal law, email messages (deleted or otherwise) are produced as evidence in a permanent written form.

There are a number of areas of law which apply to use of email and which could involve liability of users or the Institute. These include the following:

- i. Intellectual property. Anyone who uses email to send or receive any materials that infringe the intellectual property rights of a third party may be liable to that third party if such use is not authorised by them.
- ii. Obscenity: a criminal offence is committed if a person publishes any material which is pornographic, excessively violent or which comes under the provisions of the Films and Publications Act (1996). Similarly the Children's Act (2005) and Children's Amendment Act (2007) make it an offence to publish or distribute obscene material of a child.
- iii. Defamation: as a form of publication, the Internet is within the scope of legislation relating to libel where a statement or opinion is published which adversely affects the reputation of a person, group of people or an organisation. Legal responsibility for the transmission of any defamatory, obscene or rude remarks which discredit an identifiable individual or organisation will rest mainly with the sender of the email and may lead to substantial financial penalties being imposed.
- iv. Data Protection: processing information (including photographs) which contains personal data about individuals, requires the express written consent of those individuals as outlined in the Protection of Personal Information Act (2013).
- v. Discrimination: any material disseminated which is discriminatory or encourages discrimination may be in contravention of Section 9 of the Constitution of South Africa or unlawful under the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) where it involves discrimination on the grounds of sex, race or disability.

The above is only designed to be a brief outline of some of the legal consequences of misuse of email facilities.

6 Advice on Acceptable and Appropriate Use of Email Facilities

It should be remembered that use of Institute ICT facilities for email in an unacceptable and inappropriate manner and breach of this Policy may be treated as a disciplinary offence. If users are in any doubt about what constitutes acceptable and appropriate use of email facilities, they should seek the advice and guidance of the ICT Consultant.

7 Investigation of Complaints

The Institute will investigate complaints received from both internal and external sources, about any unacceptable use of email that involves Institute ICT facilities.

The investigation of facts of a technical nature, e.g. to determine the source of an offending email message, will be undertaken by the ICT Consultant in conjunction with other departments (both internal and external) as appropriate.

Where there is evidence of a criminal offence, the issue will be reported to the police for them to take appropriate action. The Institute will co-operate with the police and other appropriate external agencies in the investigation of alleged offences.

In the event that the investigation of the complaint establishes that there has been a breach of the standards of acceptable use, then action will be taken as described in Section 3.8 of this Policy.