Regulation on the use of information resources

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TABLE DES MATIÈRES

PREAMBULE

HEC Montréal considers it essential that its students and employees have access to high-quality information resources to fulfil the missions of the School, namely teaching and research, and to ensure that the activities of HEC Montréal run effectively.

Consequently, HEC Montréal has made sizable investments to acquire and maintain information resources required for teaching and research, and to ensure the effectiveness of the administration of the School.

Access to quality resources is a privilege associated with particular duties and obligations.

This regulation is intended to inform students and employees of HEC Montréal of the expected conduct of users, which is generally inspired by the usual rules of honesty, integrity, propriety, and courtesy, and by other rules, regulations and policies of the School and by the laws and regulations in force in the province of Québec and in Canada.

CHAPTER I   GENERAL PROVISIONS

Article 1.00   Objectives

1.01   The objectives of the Regulation on the use of information resources are :

   a)   to ensure compliance with the regulatory framework and with all legislation governing the use of information resources;

   b)   to establish conditions for the use of information resources in order to support the fulfilment of the mission of HEC Montréal;

   c)   to inform and empower users;

   d)   to ensure the integrity, continuity and protection of data;

   e)   to protect the collective investments from inappropriate, abusive or illegal use of information resources.

Article 2.00   Scope

2.01   The present regulation applies to all users of the information resources of HEC Montréal.

Article 3.00   Guidelines

3.01   Information resources are made available to users who wish to carry out teaching, learning, research, management and administration activities along

with community services related to the fulfilment of the mission of HEC Montréal.

3.02 The use of and access to information resources is a privilege, not a right. Only authorized users can use and have access to information resources within the limits of the authorization granted by HEC Montréal.

Article 4.00 Information Security

4.01 To protect the information resources of HEC Montréal and to ensure the confidentiality, integrity and availability of the digital information exchanged or stored therein, HEC has adopted an *Information Security Policy*[1], and a *Cadre normatif de la sécurité de l'information* (normative framework for information security)[2].

Article 5.00 User's commitments

5.01 By using the information resources of HEC Montréal, the user undertakes to follow the present regulation.

5.02 Users must also inform the Technical Assistance Centre verbally or in writing of any violation of this regulation, and must provide all pertinent and available information and documents.

5.03 Users of information equipment that does not belong to HEC Montréal, who use the information resources of HEC, notably technological services and the wireless network, are responsible for the security and compliance of their equipment. They must ensure that the use of this equipment and the software installed therein does not violate this regulation.

Article 6.00 Non-responsability

6.01 HEC Montréal does not assume any direct or indirect responsibility for losses, damage or inconvenience sustained by users during or after the use of information resources, or in the case that it should, for any reason, reduce or interrupt its services, regardless of the duration of such reduction or interruption, or terminate its services definitively.

6.02 In no case can HEC Montréal be held responsible for damage caused by the illegal use of its information resources or by information that a user conveyed by means of its information technologies; the user bears sole responsibility for these actions.

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[1]https://www.hec.ca/direction_services/secretariat_general/juridique/reglements_politiques/documents/Politique-de-securite-de-l-information_A.pdf
[2] https://www.hec.ca/dti/securite/cadre_normatif/index.html (in French only)

CHAPTER II PARTICULAR PROVISIONS

Article 7.00   **Conditions of use of information resources**

7.01   The use of information resources must be dedicated to achieving the mission of HEC Montréal.

7.02   Users may make limited and reasonable use of some information resources for personal reasons provided that this usage does not hinder their performance at work, consume significant time and resources, interfere with or cause any harm to the activities of others, or impede the fulfilment of the School's mission, and that it complies with the provisions of this regulation.

7.03   Users will lose their access privilege to information resources in the following cases:

a)   when they are no longer enrolled in a study program, are not enrolled in a course and are not graduates of the School;

b)   when the contract between HEC Montréal and an employee or a contract worker ends and the employee is not retired;

c)   when they violate the provisions of this regulation.

Article 8.00   **Identification and acces**

8.01   All authorized users are given access to one or more information resources with the corresponding rights and permissions approved by HEC Montréal.

8.02   Users are obliged to maintain the confidentiality of their authentication data and to protect its access and use.

8.03   Users are deemed accountable for activities carried out through their authentication data.

8.04   All technological documents belonging to HEC Montréal that are used and/or secured through authentication data or encryption must be recoverable by HEC Montréal in anintelligible format. In the case of encryption, HEC Montréal must hold a recovery key or the equivalent.

Article 9.00   **Electronic messaging services, network and voicemail box**

9.01   HEC Montréal provides users with access to several electronic messaging systems, notably email.

9.02   The School assigns each user an electronic mail address with the suffix hec.ca.

9.03   Alumni of HEC Montréal since the winter 1996 semester may keep their email addresses even after they have left the School, as long as they use it. Their email addresses may be deactivated if they have not used their account for one year.

9.04   All students who have not enrolled for one year and all people who graduated before the winter 1996 semester do not have access to an HEC Montréal email address.

9.05   In case of confusion because of a student's having the same name as an HEC employee who holds confidential information, the student's email address may be modified.

9.06   All official communication by HEC Montréal will be transmitted to students via their HEC Montréal email address.

9.07   HEC Montréal employees may keep their hec.ca email address when they retire, but they may lose it if they leave the School, voluntarily or not.

9.08   Users must ensure that the use of the electronic messaging system of HEC Montréal or of any other message service to which they have access from the information resources of HEC Montréal abides by this regulation.

9.09   For all electronic messages sent from the electronic messaging system of HEC Montréal, users who are employed by HEC Montréal must:

   a)   ensure the quality of the French language used according to the *Charter of the French Language* (RSQ., chapter C-11) as well as the *Politique linguistique* (language policy) of HEC Montréal[3];

   b)   identify themselves with a signature on their message and state their title, if applicable.

Article 10.00   Equipment loans

10.01   Users may borrow computer and multimedia equipment from the IT User Service Technical Assistance Centre and Audiovisual Department if they complete and sign the appropriate form.

10.02   For short-term loans of computer equipment, the user must agree to abide by the terms and conditions of the Information Technology Director's Office.

10.03   For long-term loans of computer and related equipment (laptop computer, cell phones, smart phone, etc.), users must read, understand and agree to the usage conditions of the equipment loaned.

Article 11.00   Intellectual property rights

11.01   At all times, users must honour intellectual property rights, particularly third-party copyright and contractual agreements with suppliers of content available on the Internet or through technical services under the *Copyright Act* (RSC 1985, chapter C-42).

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[3]https://www.hec.ca/direction_services/secretariat_general/juridique/reglements_politiques/documents/Politique-linguistique.pdf

| 11.02 | HEC Montréal is obliged to transmit to users of its information resources notices of alleged violation of copyright that it receives from copyright holders. In such cases, HEC Montréal is not a party to the alleged violation, and each user who receives such a notice is responsible for assuming his or her own defence. |

Article 12.00   Confidentiality and protection of personal information

| 12.01 | Information contained in information resources is confidential when it constitutes personal information or information that HEC Montréal protects under the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, CQLR c A- 2.1), or constitutes information pertaining to the privacy of the individual under the Civil Code of Québec (CQLR, c. C-1991). |

| 12.02 | Departments or services that compile permanent digital databases of personal information to conduct their internal activities must report these records to the Legal Affairs Office and Authorities Secretariat. |

| 12.03 | Any output in material form, paper report or any other electronic form containing confidential information must be conserved safely and destroyed according to standards of security, confidentiality, and possibly archiving stipulated by the *Archives Act* (RSQ, chapter A-21.1), the *Politique relative à la gestion des documents actifs et semi-actifs of HEC Montréal*[4] and the Cadre normatif de sécurité de l'information[2] when their storage or use is no longer necessary. |

Article 13.00   Privacy and oversight of information resources

| 13.01 | The use of information resources of HEC Montréal and electronic transmissions may be compiled in a log to allow traceability of use and of communications. The data thus compiled may be used in investigations done according to the provisions of this regulation, and to meet the requirements of transmission of proof to the proper authorities required by the seizure of assets or by a communication mandate. |

| 13.02 | HEC Montréal oversees and controls its information resources through various computerized means to ensure information security, the proper functioning of its information technologies and compliance with this regulation. |

| 13.03 | The administration of HEC may authorize a representative to make all usage checks deemed necessary to ensure compliance with the provisions of this regulation and with the federal and provincial laws and regulations, along with the rules and regulations, policies, guidelines and standards of HEC Montréal. |

| 13.04 | As part of control and verification activities, HEC Montréal and its representatives are obliged to respect the dignity, freedom of expression, |

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[4]https://www.hec.ca/direction_services/secretariat_general/juridique/reglements_politiques/documents/politique_gestion_documents_actifs_semi-actifs.pdf

freedom of thought and privacy of users as stipulated in the law, notably regarding privacy, personal information and other confidential information.

13.05   The use of technology in control and verification activities may not include monitoring, without valid reason, of the deeds and actions of users or of the content of their communications.

13.06   HEC Montréal assumes no responsibility for the confidentiality, integrity and availability of personal information when users use the information resources for personal reasons.

CHAPITRE III PENAL PROVISIONS

Article 14.00   **Prohibited behaviours**

14.01   Users are bound to comply with the present regulation, along with institutional standards and all policies, guidelines and usage rules issued by the Information Technologies Director's Office, along with the codes of ethics of HEC Montréal.

14.02   Users must not, without authorization:

a)   modify, dismantle or destroy technological equipment;

b)   muse the information resources of HEC Montréal and access technological services via the Internet for commercial purposes.

14.03   The following behaviours are strictly prohibited:

a)   using the authentication data of another user;

b)   communicating authentication data to another user or to any other natural or legal person;

c)   accessing, trying to access or circumventing a security control to access information resources, notably files, databases, systems, and internal or external network whose access is restricted or limited to a specific category of users, without authorization;

d)   leaving their computer equipment unattended, which could enable unauthorized users or persons to access confidential information;

e)   consulting data displayed or available from a workstation left unattended by its user, and consulting or copying data left unattended. Note that the absence of restrictions on access to data does not necessarily imply that a user has the right to consult it.

f)   using, in any electronic message, hurtful, malicious, heinous or discriminatory language, and any other form of harassment, threats or defamation;

g) capturing, storing, reproducing or transmitting illegal equipment or messages;

h) capturing, storing, reproducing, transmitting, disclosing or destroying confidential data or information without the owner's consent;

i) transmitting or reproducing an electronic message whose content may harm or threaten the reputation of HEC Montréal;

j) using an electronic messaging address provided by HEC Montréal for commercial purposes or for transmission of advertisements, spam or illicit messages, or facilitating the use of the address for these purposes;

k) usurping or trying to usurp the identity of another user or another natural or legal person;

l) resorting to one or more subterfuges or other means to transmit electronic messages anonymously;

m) using and/or participating directly or indirectly in the illicit reproduction of software or a technological document;

n) using equipment and information resources to commit or attempt to commit a violation of the laws governing intellectual property;

o) committing any act that may interfere with the proper functioning of information resources, including insertion and spreading of malware or destruction or modification of data or software;

p) monopolizing or abusing an information resource, for example by doing processing, storage, and transfer of information that is abusive or that hinders the proper functioning of the resource;

q) viewing, downloading, storing, publishing, and spreading electronic communications or materials using hurtful, malicious, heinous or discriminatory language, and of any other form of harassment, threats or defamation, or language that violates one of the provisions of the Charter of Human Rights and Freedoms (CQLR, c. C-12), and of all other Québec and Canadian legislation;

r) consulting, storing, publishing and/or spreading violent or pornographic material;

s) stealing resources and using them maliciously or in violation of the laws and ethical rules and regulations in force.

Article 15.00   **Sanctions**

15.01   Individuals who violate the provision of this regulation may lose their access privilege to the information resources of HEC Montréal. This loss may be

temporary or permanent, total or partial. The sanction must be commensurate with the severity of the offence.

15.02   The Director of Information Technologies is responsible for deciding to withdraw an access privilege. Before making this decision, the Director of Information Technologies must inform the user of the alleged offence and must ask the user to state his or her version of the facts. However, the Director of Information Technologies reserves the right to temporarily withdraw, immediately and without warning, all access that hinders the effective functioning of information resources required for the fulfilment of the mission of HEC Montréal.

15.03   The decision to withdraw an access privilege may be subject to a request for review by the Secretary General, if the user is a student or graduate, or by the Director of Human Resources if the user is a regular employee, casual employee or retiree.

15.04   Students who use the information resources in a manner that violates the *Code of conduct for HEC Montréal students* may face sanctions foreseen in that *Code*.

15.05   Regular employees or casual employees who use information resources inappropriately may face disciplinary sanctions.

15.06   Consultants or legal persons who use information resources inappropriately may face recourse foreseen by the contract that binds them to HEC Montréal or by the law.

Article 16.00   Entry into force

16.01   The present regulation enters into force as soon as it is adopted by the Board of Directors of HEC Montréal.

Article 17.00   Monitoring of usage conditions

17.01   The Office of the Director of Information Technologies (DIT) is responsible for disseminating, applying and updating this regulation.

CHAPITRE IV APPENDIX A

Article 18.00   **Definitions**

18.01   In this regulation, the terms and expressions are defined as follows:

a) **Encryption:**

Operation whereby plain text is converted to text that is unintelligible and unusable by anyone who does not possess a key to restore it to its initial form.

b) **Email:**

Correspondence service that allows the exchange of electronic messages through a computer network.

c) **Technological Document:**

Information defined and structured logically on a support using information technologies, intelligible in the form of words, sounds or images. All databases whose structural elements allow creation of documents by definition or structuring of the information therein are considered technological documents.

d) **Data:**

Element (fact, number, etc.) that represents basic information on which decisions, reasoning and research can be based.

e) **Authentication data:**

Variable data that allow confirmation of the identity claimed by a user. Authentication data may take the form of a user name, access code for opening a session, password, piece of identification, smart card or magnetic card

f) **Digital Information:**

Information that can be used only through information technologies. This information can be presented in the form of a digital database for a specific domain, grouped and organized to allow access thereto.

g) **Internet:**

Global computer network made up of a set of national, regional and private telecommunications networks that are linked through the TCP/IP communication protocol.

h) **Software:**

A set of programs designed to perform a particular process on a computer. The term software is used to represent all types of programs, notably operating systems, office technology software, open source software, software packages and courseware.

i) **Computer equipment:**

A set of physical elements of a computer installation, notably microcomputers, laptop computers, electronic tablets, servers, and devices for playback, storage, reproduction, printing, transmission, reception and processing of information, together with cellular phones and smart phones.

j) **Electronic messaging:**

Correspondence system comprising electronic messages exchanged via a telephone or computer network, providing authorized users with the functions of entry, transmission and consultation of messages, such as voicemail, email, text messaging and microblogging.

k) **Information resources:**

All elements belonging to one or more information systems of HEC used to process, store or communicate information.

l) **Information security:**

The physical, logical and administrative security measures and emergency measures put in place in an organization to ensure protection of all of its information resources. Specifically, information security ensures the integrity, confidentiality, authenticity, accountability, non-repudiation and reliability of digital information, technological documents and data.

m) **Technological services:**

An integrated set of functions, configurations and data usable through computer equipment that uses a telecommunication network or the Internet, particularly email, voice messaging, printing services, etc. These services may be internal or external, notably in cloud computing.

n) **Information technologies:**

The computer hardware, software, telecommunications network, technological services and the means and methods of information security used for collecting, storing, processing, transmitting, reproducing, protecting and eliminating digital information.

o) **User:**

All natural persons (teacher, researcher, student, graduate, administrative employee, retiree and consultant), or legal persons who use or access the information resources of HEC Montréal.