

ELECTRONIC COMMUNICATIONS POLICY

Policy Statement

Electronic communications are an effective means of communicating and delivering important information both internally and externally. Bow Valley College (BVC) provides for the exchange of electronic communications while safeguarding its electronic communications systems from inappropriate or illegal use (e.g., reputational damage, spam).

Purpose

BVC requires an Electronic Communications Policy to:

- Communicate expectations on appropriate use of the electronic communications systems;
- Protect the College from legal and liability risks and/or reputational damage;
- Ensure compliance with applicable legislation and other College policies;
- Protect BVC's visual identity, brand, copyright, trade-mark, logo; and
- Ensure available, reliable, efficient, appropriate, and optimal use of the College's electronic communications and systems.

Scope

All BVC employees, independent contractors, learners and other individuals associated with BVC are responsible for knowing, understanding, and complying with BVC policies and procedures to the extent that these policies and procedures relate to their position, contract or collective agreement.

This policy applies to:

- All content transmitted and stored on electronic communications systems owned, managed or contracted by BVC;
- Users of BVC electronic communications systems; and,
- Electronic communications by employees, independent contractors, learners and other individuals associated with BVC, where the net impression is that they are representing the College, regardless of whether it is on an electronic communications system owned, managed or contracted by BVC.

Principal Objectives

1. General

- 1.1 The College requires electronic communications to conduct its business (core and non-core activities).
- 1.2 The College determines its approved electronic communications systems and authorized use of those systems. In particular, the College determines: approval of users; the level of authorization of users; the authority and accountability to create, modify or delete official College social media sites; electronic communications transmitted officially on behalf of the College; and, compliance requirements for independent contractors, including contract language where applicable.

- 1.3 In addition to what is stated as the purpose of this policy, establishing levels of authority, accountability and compliance requirements is also designed to:
- 1.3.1 Ensure that electronic communications on behalf of the College, or its departments, accurately and appropriately express the views of the College;
 - 1.3.2 Clarify appropriate use and authority levels of users relative to electronic communications;
 - 1.3.3 Provide that applicable privacy and safety standards of individuals are appropriately protected, addressed and mitigated as it relates to electronic communications (e.g., cyber harassment, cyber bullying, reputational damage); and
 - 1.3.4 Ensure that shared information through applicable electronic communications are linked to the original BVC source online and that any copyright, trademarked materials, and contact information transmitted through official College electronic communications is legally compliant and, where applicable, appropriately acknowledged.

2. Use of Electronic Communications Systems

- 2.1 College electronic communications systems are intended for business activities of the College. Use is restricted to those authorized as users. Normally all employees would be assigned a College electronic communications account and have authorization based on their position.
- 2.2 Use of the College “Announcements” group email alias is limited to those with specific authority to do so.
- 2.3 The College may also assign electronic communications accounts to all learners upon enrolment (e.g., myBVC email) with no expiry and conditional on the learner being in good standing with the College.
- 2.4 In the event College electronic communications systems are used for personal use by users, this Policy (and its Procedure) also applies; users are expected to apply discretion regarding personal use.
- 2.5 Users of the College’s electronic communications systems shall not:
- 2.5.1 Participate in electronic communications intended to deceive or falsify the true identity of the sender, including communications that are anonymous or deliberately forged or that have deceptive material (e.g. inaccurate subject headers);
 - 2.5.2 Impede in any manner the operation of the College’s electronic communications systems, including but not limited to unduly incurring unapproved or unbudgeted costs for the College, or any significant or inappropriate costs related to their personal use;
 - 2.5.3 Use or promote materials or communications that are offensive, obscene, indecent, or defamatory including, but not limited to, materials and communications which could result in reputational damage to the College;
 - 2.5.4 Harass or intimidate others;
 - 2.5.5 Act as a representative of the College, or give the net impression of being a representative of the College, without authorization or within their level of authority;
 - 2.5.6 Use personal electronic communication systems representing (or on behalf of) the College except where authorized and in compliance with this policy and procedure;

- 2.5.7 Transmit electronic communications that could cause unwarranted breach of privacy or individual harm by directly or indirectly identifying individuals to specific records or content which is deemed private (Privacy and Access Policy 300-2-10); or
- 2.5.8 Send commercial electronic messages (CEMs) without the appropriate authority, form requirements, exemptions or consents for compliance with Canada's Anti-Spam Legislation (CASL).

3. Electronic Communications

- 3.1 "Commercial" Electronic Messages (CEM) are specifically regulated through Canada's Anti-Spam legislation (CASL).
- 3.2 The majority of the electronic communications BVC employees/users send pertain to the College's core activities (or core business), so are not commercial and are not regulated by CASL. BVC fundraising is specifically exempted from CASL.
- 3.3 Users shall follow the College's Electronic Communications Procedure when sending any electronic communications from the College's electronic communications systems (or other systems where applicable).
- 3.4 The Electronic Communications Procedure defines and outlines processes for:
 - 3.4.1 Determining what is a CEM, including what is considered core and non-core business activities of the College.
 - 3.4.2 Electronic communications that involve either core or non-core business activities of the College, which even if not necessarily considered to be commercial in nature (CEMs), require specified compliance, such as approved College signature formats or CASL form requirements;
 - 3.4.3 Electronic communications that involve non-core business activities, in particular those considered to be commercial in nature (CEMs), that shall comply with CASL (including specific format/form, unsubscribe, and consent requirements);
 - 3.4.4 Requirements relating to CASL, designed to prohibit spam from electronic communications; and
 - 3.4.5 Sending group/mass/bulk electronic communications, whether or not commercial in nature (CEMs).
- 3.5 Except where specified otherwise in this Policy or Procedure, Deans, Directors, and Executive (Level 4 or higher under Delegated Signing Authority Policy 100-2-5) are accountable for group/bulk/mass electronic communications (including newsletters) sent by their departments (or contractors). The accountability includes determining whether: the electronic communication is a core or non-core business activity, it is a CEM, and it is in compliance with this Policy and Procedure.
- 3.6 The Vice President, Learner & College Services, as the accountable executive for this Policy (as well as for legal matters) should be consulted, where appropriate, and has the authority to make the final decision on the sending of group/mass/bulk electronic communications.
- 3.7 Unless specified or approved otherwise, electronically transmitted newsletters and, where practicable, other group/mass/bulk electronic communications shall utilize approved College

software, to ensure unsubscribe and record keeping functionality, whether or not there is a CEM included.

4. Electronic Communications Privacy, Access to Records, Confidentiality and Security

- 4.1 All records stored on the College's electronic communications systems are subject to the access and privacy provisions of the Alberta Freedom of Information and Protection of Privacy Act (FOIP) and other applicable legislation, including but not limited to Related Legislation on the Data Sheet.
- 4.2 The requirements and obligations for obtaining express consent under CASL are separate and distinct obligations and differ from the requirements for obtaining consent under FOIP. In using individuals' (e.g., learners and employees) personal electronic communications addresses, users must ensure they comply with FOIP (and the purposes for which the personal information was provided to the College) and CASL.
- 4.3 Electronic communications records stored on the College's electronic communications systems are governed by the Records Management Policy (200-1-8), the Learner Records Policy (500-1-6), the Information Management Policy (300-2-9), and the Privacy and Access Policy (300-2-10).
- 4.4 BVC does not conduct monitoring of users' content stored on its electronic communications systems, except where warranted by allegations of inappropriate or unlawful use; BVC reserves the right to access and/or monitor all electronic communications stored on its electronic communications systems. Where allowed or warranted, this monitoring can only be undertaken with the approval of the Vice President, Learner & College Services, or the President.
- 4.5 Users shall comply with authorized and lawful requests to search their College electronic communications accounts in order to locate pertinent information. Pertinent information would be BVC electronic communications which is relevant to allegations of inappropriate or unlawful use. Users shall not wilfully destroy or alter any records with the intent to evade or mislead a request, or any future requests, for access.
- 4.6 Users shall not use the College's electronic communications systems through accounts and passwords assigned to others. Users should ensure the security of their electronic communications by maintaining the confidentiality and integrity of any access control to the electronic communications systems.
- 4.7 The Director, Information Technology Services has the authority to establish, and users are expected to follow, additional processes and guidelines related to electronic communications security and usage consistent with this and other related policies and procedures.
- 4.8 In the event that users, including learners, receive unsanctioned, inappropriate and uninvited electronic communications on their BVC electronic communications account, if possible, they should first block the sender or request that the sender cease sending the electronic communications. If the unwanted electronic communications persist, the user should notify the Information Technology Help Desk.

5. Promoting and Securing BVC's Identity

- 5.1 Users representing the College through electronic communications systems shall use the College's approved form requirements. This includes signature format/style/visual identity, as determined by the Director, Marketing & Communications and CASL requirements determined by the Vice President, Learner & College Services (see Electronic Communications Procedure).
- 5.2 Users shall not communicate electronically, or give the net impression that they are representing and/or giving opinions on behalf of the College, unless authorized to do so either through an employment relationship (and within one's approved level of authority) or a contract.
- 5.3 Where users are initiating for the first time an electronic communication, regarding College activities or business, to an individual external to the College, the recommended business practice is that the sender communicate the method that the receiver's electronic contact information was obtained (e.g., business card, website, etc.). Where the electronic communication is a CEM, this practice may be a requirement.
- 5.4 No one shall utilize BVC protected copyright and trade-marked materials, including logos, text, photographic images, audio, video, graphic illustrations, computer software and files, in any electronic communications for purposes that are outside the scope of their authority based on their existing employment, contract or learning relationship with the College.
- 5.5 The Copyright Office within the Learning Resource Services may be consulted in regards to the dissemination of BVC copyright and trade-mark protected material transmitted through electronic communications by BVC or through third parties (Copyright Policy 500-1-3). The content and distribution of protected copyright and trade-marked materials, however, shall not be granted to third parties for their own electronic communications, without prior authorization from the Vice President, Learner & College Services.

6. Use of Social Media

- 6.1 Employees, learners and independent contractors shall not establish any social media accounts representing BVC, or leaving that net impression, without College authorization.
- 6.2 The Director, Marketing & Communications is responsible for approving any social media accounts that represent the College (and its departments), in addition to approving allowable social media communications representing the College. In addition, the Director, Marketing & Communications is accountable for establishing the access controls associated with the accounts, monitoring the social media posts, and the opening and closing of these accounts.
- 6.3 The Director, Marketing & Communications is accountable for establishing processes related to creating or participating in social media for College purposes, which includes all college departments, including those processes:
- 6.3.1 for using social media for College or department announcements;
 - 6.3.2 to open, modify or delete approved social media accounts;
 - 6.3.3 that BVC will employ when proposed, active or inactive social media communications conflict with this policy; and

- 6.3.4 criteria to grant specified authorized users the ability to utilize personal social media accounts for official College business (including College departments), where it is applicable.
- 6.4 Employees, independent contractors and learners shall not incorporate the BVC logo and identity into personal social media accounts to demonstrate an affiliation.
- 6.5 Users shall not use personal social media accounts to give the net impression that they are representing the College, and/or giving opinions on behalf of the College.
- 6.6 Personal use of social media that negatively reflects on BVC's reputation may be subject to discipline under the Employee or Learner Code of Conduct Policies (200-1-1 and 500-1-1).
- 7. Use of Electronic Communications with Learners**
- 7.2 Employees with the authority to do so may send core business electronic communications to learners (applicants, current learners, and alumni) related to their specific department core business activities, and may use either the learner's "myBVC" electronic communications address or personal electronic communications account, where the latter has been provided by the learner for this purpose.
- 7.3 Where the learner's personal electronic communications account has been provided as part of the learner's application to the College, consent to use has been provided. The personal electronic communications address provided on the application, however, is subject to a Freedom of Information and Privacy (FOIP) request; therefore, its use is restricted to the purposes for which it was collected (e.g., core business activities outlined on the application). In the case of applicants who do not become enrolled learners, core business electronic communications would relate to their applicant status.
- 7.4 Prospective learners (who have not applied) may receive electronic communications about core business activities from employees with the authority to do so, for recruitment purposes related to College programs and services.
- 7.5 Current (or enrolled) learners may receive electronic communications about core business activities. Current learners also have an existing business relationship with the College, under CASL, allowing the sending of CEMs pertaining to the College/learner relationship.
- 7.6 All credit and non-credit learners who attend BVC are automatically considered to be lifetime members of the College community (alumni), once leaving the College and if they continue to be in good standing, regardless of whether they completed or graduated. The College is a not-for-profit entity where consent to send CEMs is not required for members. CASL does still have form and unsubscribe requirements for CEMs sent to college members.
- 7.7 The personal electronic communications account of a learner, if provided on the learner's application or registration, is considered to be consent to use for electronic communications as the learners become alumni. Alumni programming, for FOIP purposes, is also included in the activities listed on the learner's application. Learners and alumni may also provide personal electronic communications accounts (and updates), through other processes that may be considered appropriate consent.

- 7.8 Electronic communications from the Alumni Relations department to College alumni members may include information related to entitlements of membership, such as discounts arranged by the College or Alumni Relations for alumni to purchase goods or services from the College or third party providers. While alumni are lifetime members, and may therefore receive CEMs, they shall, however, be provided with the ability to unsubscribe from electronic communications. Unsubscribing options may include unsubscribing to a newsletter (whether or not the primary purpose is a CEM), or requesting through electronic communications that further CEMs not be sent by a specified College user/sender.
- 7.9 Electronic communications sent to all current (or enrolled) learners require the approval of the Directors, Learner Success Services or Enrolment Services and Registrar, (or supervising Executive, President or Acting President). This is to ensure: compliance with this Policy; that the number of electronic messages to all learners is reasonable; and, that it is information that all learners require for conducting the College's business. In the case of emergency electronic communications to learners, other policies may apply with regard to level of authority.
- 7.10 The Director, Learner Success Services (or supervising Executive) has the authority to send a regular electronic newsletter about core business activities to all current (or enrolled) learners, through the College's student electronic communications system (e.g., Agresso); and, to do so without including an unsubscribe function.
- 7.11 All course related activities shall be communicated to learners through electronic communications formats provided by the BVC Learning Management System (e.g., D2L/Brightspaw), unless where impracticable or not feasible to do so.

Compliance

All College employees, independent contractors, learners and volunteers are responsible for knowing, understanding and complying with BVC policies, procedures, and other attached documents that relate to their employment, or relationship at the College. Non-compliance may create risk for the College and will be addressed accordingly with reference to disciplinary measures considered in the Learner or Employee Code of Conduct Policies and Procedures (200-1-1 and 500-1-1).

Definitions

Access Control: This is the selective restriction of access to a place or resource. Access control over electronic communications refers to usernames and passwords to any electronic communications account, including social media, and to the ability of the College to open and close these accounts, all of which restricts access by authorized users.

Commercial Electronic Message (CEM): A commercial electronic message is any electronic communications that encourages participation in a commercial activity, regardless of whether there is an expectation of profit.

Consent: Consent means a person voluntarily agrees with what is being done or proposed. Consent can be either express or implied according to CASL:

- Express consent is given explicitly, either orally, in writing, or electronically.

- Implied consent involves situations where consent can reasonably be inferred from a past relationship.

Core Business: For the purposes of CASL compliance, the primary area or activity that BVC was founded on, or approved mandate, and the primary purpose of its operations (see Electronic Communications Procedure).

Dean/Director: The most senior College employee accountable for an academic or service department. When there is an allegation of inappropriate behavior, “Dean” shall be interpreted as the Dean (or delegate) of the academic department in which an inappropriate behavior occurred; or Director (or delegate) of the service department in which an inappropriate behavior occurred.

Electronic Communications: A transfer of information that is created and sent or transmitted by one or several electronic communications systems to recipients.

Electronic Communications Systems: BVC authorized or owned telecommunications properties which facilitate the transmission of electronic communications from a sender to a recipient. These electronic transmission methods may include, but are not limited, to:

- Email (myBVC, Agresso and SMTP);
- Instant messaging (LAN messenger);
- The learning management system (e.g., D2L);
- Text messages and generated voice mails through BVC cellular phones, pagers or servers;
- Faxes to and from a BVC printer and/or other output device;
- myCampus;
- BVC smart phone applications;
- Jabber chat tools; and,
- BVC social media accounts.

Employees: Those who are employed by BVC. BVC pays employees directly and also files tax information and deductions with the Canadian Revenue Agency.

Group Electronic Communications: means group, mass or bulk electronic communications, including newsletters, sent via a College approved tool that includes an unsubscribe mechanism.

Independent Contractor: Businesses, either sole proprietorships or multi-person companies, which provide goods and/or services to BVC through a business transaction, are independent contractors. Worker payments, transactions, taxes and benefits are the responsibility of the independent contractor.

Learner: A person who is currently registered as a learner at the College whether or not for credit. For the purposes of this document, “learner” shall be used synonymously for prospective learners, applicants, current learners and alumni, except where specified otherwise.

- Prospective learner: A person without a formal relationship at the College who is a potential applicant.
- Applicant learner: A person applying for admission to enroll in a credit program.
- Current learner: A person who is enrolled at the College whether or not for credit.
- Alumni learner: All people who were once enrolled at the College whether or not for credit.

Non-core Business: For the purpose of CASL compliance, activities which are not integral or primary to BVC’s core activities or approved mandate (see Electronic Communications Procedure).

Spam: Spam is identified as unsolicited commercial forms of electronic communications. Spam includes electronic communications which advertise goods and services that have been sent without the consent solicitation of the recipient, or without a pre-existing relationship between the sender and recipient. The following are identified as spam:

- Address harvesting;
- Self-installing adware without consent;
- Chain letters;
- Hoaxes, scams, false warnings;
- Denial of service attacks;
- Dictionary attacks;
- Deceptive or intentionally misleading commercial messaging;
- Phishing;
- Smishing;
- Mass communications to electronic addresses without consent or a pre-existing relationship;
- Messages encrypted with spyware, malware (viruses) or any other type of equivalent;
- Use of “trojans”; and,
- Use of “zombies”.

Trade-marks: A trade-mark is a word (or words), a design, or a combination of these, used to identify the goods or services of one person or organization.

User: A person who uses electronic communications. An authorized user is a person who has permission to use BVC electronic communications systems. The individual has an identity which is authenticated through a log in process.

Policy Data

DATA SHEET

Accountable Officer

Vice President, Learner & College Services, CFO

Responsible Officer(s)

Director - Information Technology Services

Director - Marketing & Communications

Director – Human Resources

All Deans, Directors, Executive

Approval

Effective	June 24, 2015
Next Review	June 2018
Modification History	

Associated Policy(ies)

Agresso User Access Policy (300-2-5)

Computers and Networks (300-2-4)

Copyright Policy (500-1-3)

Delegated Signing Authority (100-2-5)

Employee Code of Conduct (200-1-1)

Ethical Business Practice (200-1-5)

Fraud Policy (200-1-4)

Information Management (300-2-9)

Information Security (300-2-11)

Learner Code of Conduct (500-1-1)

Learner Records and Information-Collection,
Access and Waivers (500-1-16)

Privacy and Access (300-2-10)

Purchasing Policy (100-1-2)

Records Management (200-1-8)

Violence in the Workplace Policy (200-2-5)

Directly Related Procedures

Electronic Communications Procedure (300-2-13)

Employee Code of Conduct Procedure (200-1-1)

Ethical Business Practice Procedure (200-1-5)

Learner Code of Conduct Procedure (500-1-1)

Related Legislation

[Canada’s Anti-Spam Act \(Canada\)](#)

[Copyright Act \(Canada\)](#)

[Defamation Act \(Alberta\)](#)

[Electronic Transactions Act \(Alberta\)](#)

[Evidence Act \(Alberta\)](#)

[Freedom of Information and Protection of
Privacy Act \(Alberta\)](#)

[Human Rights, Multiculturalism and Citizenship
Act \(Alberta\)](#)

[Personal Information Protection and Electronic
Documents Act \(Canada\)](#)

[Personal Information and Protection of Privacy
Act \(Alberta\)](#)

[Trade-marks Act \(Canada\)](#)

Attachments

See Electronic Communications Procedure