Home Use of University-Licensed Software
OITS Advisory Number 3
Last revised: 05 June 1996

Topic:
The question has been raised whether there are restrictions on UF employees (faculty and staff) taking University-licensed software home.

Example:
Some UF employees (faculty, USPS, and OPS) want to take WordPerfect home for use. Their WordPerfect copy falls under the Novell/WordPerfect license negotiated and purchased through CIRCA. This license allows for “faculty and administrative personnel” to use the software at home. Questions that arose:

• As used in the license, what types of employees (A&P, USPS, and/or OPS) are included by the term “staff”?
• What policies, rules, statutes are relevant to the question of which employees can take University-licensed software home?

Resources used in formulating the Advisory:
• Consultations with Personnel Services
• Reviews of the Administrative Affairs Handbook on Business Practices
• Reviews of the Board of Regents’ rules, Florida Administrative Code (6C-5.740)

Premises:
• University software licenses are state property.
• Software licenses limit the use of the software.
• The primary rationale for use of state property off-site is that such use is for purposes of work.
• Only certain types of employees are allowed to take work home.
• The secondary rationale for off-site use is to encourage elective employee self-development of work-related skills.
• Such secondary use would have no measurable impact on the value of a software license to the University.

Conclusions:
• If the license permits off-site use by an employee, an employee may exercise the privilege subject to certain prohibitions against using that software to do work at
home if the employee is in the "non-exempt" category and subject to simple registration and acknowledgment procedures (see below).

- Any employee who takes software home is bound by all the terms and conditions of the relevant license(s).
- Any employee who takes software off-site for self-development of skills does so at his/her own risk.
- A unit may choose, for policy reasons, to be more restrictive but should not be less restrictive than these guidelines.

Implementation:
To assist the University community, here is a checklist regarding the home use of University-licensed software.

Home Software Checklist

1. To determine whether the employee is eligible to take University-licensed software home for primary (work-related) purposes, use the table below:

   Eligibility Table for Work-Related Purposes

<table>
<thead>
<tr>
<th>UF employee category</th>
<th>Is an employee eligible to take UF-licensed software home for work?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>Yes, if the software license allows</td>
</tr>
<tr>
<td>A&amp;P</td>
<td>Yes, if the software license allows</td>
</tr>
<tr>
<td>USPS (exempt)</td>
<td>Yes, if the software license allows</td>
</tr>
<tr>
<td>USPS (non-exempt)</td>
<td>No</td>
</tr>
<tr>
<td>OPS (exempt)</td>
<td>No</td>
</tr>
<tr>
<td>OPS (non-exempt)</td>
<td>No</td>
</tr>
</tbody>
</table>

   (In general, exempt employees are those employees who can not receive overtime. And, non-exempt employees are those employees who can received overtime. Questions regarding an employee’s category should be sent to either Personnel Services or Academic Personnel.)

2. If the employee is eligible, either for work-related or skill-development reasons, then the software license needs to be reviewed (by the employee’s supervisor) to determine whether off-site use is allowed (or whether the definition of the site includes use of the software at home). Questions regarding the interpretation of University software licenses should be sent to OITS, which if necessary will consult the University’s General Counsel.

3. If the employee is eligible and the license allows for home use, then it is up to the employee to obtain written authorization from his/her department or unit prior to taking the specific software home. The authorization should include a clear statement obligating the employee to the terms and conditions of the license, including, upon cessation of employment with the unit, the commitment to return or delete the software as may be required under the license.
NOTE: Just as the use of University-licensed software at work is subject to the UF Software Copyright Policy, the use of University-licensed software at home is also subject to that Policy.

Employees are reminded that they are responsible for being aware of any implications regarding UF’s Outside Activity Policy and any applicable collective bargaining agreement.