

# UW-Stout Administrative Procedure

Office: Learning and Information Technology  
Number: 076  
Subject: Software Procurement and Utilization  
Effective: May 1, 2020

## I. PURPOSE

The purpose of this procedure is to assist campus departments in complying with the Board of Regents [Acceptable Use of Information Technology Resources Policy](#). The procedures seek to coordinate departmental efforts in the proper procurement and utilization of software.

## II. REFERENCES

- [Wisconsin Administrative Code](#) (Chapters UWS 4, 6, 11, 13, or 17)
- UW System Administrative Procedure 1031.A: [Information Security: Data Classification](#)
- Regent Policy 25-3: [Acceptable Use of Information Technology Resources](#)
- [Mandatory Value-Added Reseller Contract](#)
- UW System Administrative Policy [SYS 1035, Information Security: IT Asset Management](#)
- UW System Administrative Policy [SYS 1035.A, IT Asset Management Standard](#)

## III. DEFINITIONS

- **Software:** any program installed on a computer or an online application that runs on a web server or website. The term “software” will be used in this document when referring to an installed program or online application. This includes the following:
  - “Shrink-Wrapped” software
  - Commercial Off-the-Shelf (COTS) software
  - Licensed Software
  - Software Media
  - Software Upgrades
  - Maintenance/Support Agreements offered by the Publisher/licensor.
  - Subscription Software
  - Software as a Service

## IV. RESPONSIBILITIES

It is the responsibility of the person to whom a university-owned computer is assigned to comply with the licensing agreements for software used on that computer and to ensure that the Board of Regents Acceptable Use Policy is enforced during the use of the computer.

UW-Stout's Learning and Information Technology (LIT) Department is responsible for providing compliance-related information, assistance in documenting the inventory process, and for conducting periodic audits of department owned computers.

Complete understanding of the rights and responsibilities of the software contracts is the key to software license compliance. The LIT department evaluates basic requirements of software contracts to ensure that data is properly secured, and the use of software is in compliance with applicable security regulations (including but not limited to FERPA, GDPR, PII, PCI) and in alignment with the license agreement.

Violations of this policy are to be reported to the CIO or the Chancellor's Office.

## **V. COPYRIGHT**

The University of Wisconsin System does not require, request, or condone unauthorized copying or use of computer software. Such unauthorized copying or use is not considered to be within the scope of employment.

According to U.S. Copyright Law, illegal reproduction of software can be subject to civil damages (of as much as \$100,000) and criminal penalties, including fines and imprisonment. University employees who knowingly or willfully make, acquire, or use unauthorized copies of computer software are subject to disciplinary action up to and including dismissal, consistent with the provisions of Chapters UWS 4, 6, 11, 13, or 17, Wisconsin Administrative Code, as appropriate.

If the University of Wisconsin System is sued or fined because of unauthorized copying or use by its employees, it may seek repayment from the individuals for associated costs. If an individual is sued in a civil action alleging that he or she has made or used a copy of computer software without authorization, liability protection under Wisconsin Statutes applies when an employee is operating within the scope of his or her employment responsibilities. Each case will be evaluated on its own merits. In the event of a claim of unauthorized copying or use of computer software, therefore, the university must evaluate facts associated with the particular claim to determine if the employee is acting within the scope of employment, for purposes of extending the state's liability protection.

## **VI. PROCEDURES**

The following procedures apply to all software usage whether obtained via PO, PCard, Direct Pay, free or through donation.

1. Contact the appropriate IT Consultant when looking to purchase or use software of any type, including cloud-based software and services. This includes free and gifted software. Work with the IT Consultant to gather applicable information if available such as:
  - a. Software Name

- b. Publisher
  - c. URL
  - d. Contact or Vendor (Name of Vendor and Sales Rep, Phone and Email Address)
  - e. Intended use of software
  - f. PDF copy of the contract/licensing agreement
- 2. Submit a software request to LIT. (Will include information on where to find form)
- 3. LIT security staff will review the software request for compliance and potentially develop a solution to allow the software to work for our campus. At minimum, the following areas will be reviewed for compliance.
  - a. Data Classification: High, Medium or Low risk
  - b. Authentication Requirements: Password and account login requirements
  - c. Data Protections: How the data is encrypted
  - d. Data Retention: How the data is either retained or removed
  - e. Data Privacy: FERPA, PCI, GDPR and intellectual property
- 4. LIT will follow up with the individual requesting software. LIT will partner with the requester and work with purchasing to identify steps needed to proceed (see [Procurement Procedure](#) for more details).

*Note: Mandatory Value-Added Reseller (VAR) contract applies to all software purchases. If not purchasing on the VAR contract the appropriate procurement procedure process must be followed.*
- 5. LIT will gain final financial approval from appropriate parties.
- 6. Purchasing will review documentation, including Quotes, EULA and Terms and Conditions as needed.
- 7. LIT will process the purchase. This could include a Purchase Order, Direct Pay, Pcard, etc. and LIT will charge the department for the purchase.
- 8. Once processed, LIT and Purchasing will communicate with the requester.

## **VII. RECORDS**

LIT is responsible for administering this procedure.

To ensure that software residing on computers complies with the software manufacturer's contract as well as with state guidelines, each software product installed on a university owned computer must have documentation verifying compliance with the software manufacturer's contract. Items that constitute documentation include software purchase records as well as software license agreements and license keys. End user license agreements must be provided to auditors or LIT if requested.

### Appendix A: Review Log

Review Date	Changes Made to Procedure	Reviewed By
March 2020	Original procedure	Sue Traxler Kim Schulte-Shoberg Phil Lyons