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Information
Technology
Services

Darrel Huish
CIO &
Associate
Vice Chancellor

2411 W. 14th St.
Tempe, Arizona
85281-6942

Telephone

480.731.8102

Fax

480.731.8850

e-mail
darrel.huish@
domail.maricopa.edu

January 3, 2007

Margaret McConnell & Teresa Toney
Office of General Counsel
Maricopa Community College District

Subject: Initial Assessment of formal complaints from 5 individuals concerning e-mail from Walter Kehowski dated November 22, 2006

Pursuant to the Technology Resource Standard, Appendix V (Complaint Process), the Office of Information Technology Services renders the following opinion regarding the per se violation alleged separately by [REDACTED]

The complaints were made in writing and received between December 5th and December 14th, 2006. These complaints referenced an unsolicited e-mail from Walter Kehowski sent on November 22nd, 2006 (see exhibit A, attached).

This process took longer than anticipated due to the efficient practice of gathering together multiple complaints, and also due to the Winter Break at end of December.

Upon examination of Exhibit A, the Office of Information Technology Services offers no opinion as to the alleged offensive nature of the content, and is consequently unable to offer comment regarding per se violations of the Technology Resources Standards subsection entitled "Prohibited Conduct" items 6, 8 and 9.

The Office of Information Technology Services does find that the behavior of Walter Kehowski as alleged in the complaint violates Administrative Regulations; 4.3 Electronic Communications, paragraph A, and paragraph D item 5.

In reaching this opinion, we assume that this is a non-essential, or non-business relevant communication, and that this is an example of a social comment. It then follows that this is also not in "support of education", or "scholarly communication" and in that regard it violates the core principles of appropriate use.

Also, that it was received as "unwanted solicitations or information" by a "large number" of persons is evidence that the action specifically violates paragraph D item 5 of the regulation.

Sincerely,

Darrel Huish
Chief Information Officer
Information Technology Services

Cc: Velvie Green, Walter Kehowski