DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
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Information Technology Division

DoDEA Administrative
Instruction 6700.6

Acquisition, Use, Management, and Development of Software

References: (a) Cancels DoDEA AI 6700.2, "Computer Software Piracy",
September 17, 1999

(b) DoD 5400.11-R, "DoD Privacy Program," August 1983

(c) DoD 7000.14-R, Financial Management Regulation, Volume 4,
Chapter 6 (August 1999)

(d) DoD 5200.40, "DoD Information Technology Security Certification
and Accreditation Process (DITSCAP)," December 30, 1997

(e) DoD Instruction 5010.40, "Management Control Program Procedures,"
August 28, 1996

1. PURPOSE

This Administrative Instruction (AI) establishes policy for acquiring computer software and combating computer software piracy within the Department of Defense Education Activity (DoDEA).

2. APPLICABILITY AND SCOPE

The provisions of this AI apply to all DoDEA offices including headquarters, field activities, area offices, district offices and schools of the Department of Defense Dependents Schools and the Domestic Dependent Elementary and Secondary Schools.

3. POLICY

It is DoDEA policy:

3.1. That all elements of DoDEA be cognizant of the rapidly changing and increasingly complex regulatory environment affecting DoD information technology (IT) resources, and that DoDEA manage its IT resources consistent with DoD policy and practice.

3.2. That software not be approved for acquisition or installed on DoDEA IT equipment unless the Designated Approval Authority (DAA), or designee, has approved the use of the software.

3.3. That a software review panel be designated at the respective administrative unit to evaluate software the administrative unit wishes to acquire in accordance with the minimal uniform procedures and standards established by this AI.

3.4. That a software review panel will not recommend to the DAA, and the DAA will not approve software for acquisition and use within DoDEA unless it first determines the software meets the following minimal standards:

3.4.1. Supports the DoDEA Strategic Plan;

3.4.2. Does not contain material harmful to minors;

3.4.3. Does not result in the release of confidential student information in violation of DoD 5400-11.R (reference b);

3.4.4. Is compatible with existing hardware platform, operating system and currently installed software;

3.4.5. Does not introduce unacceptable security vulnerabilities to the network and systems;

3.4.6. That software developed for internal use meets the requirements of DoD 7000.14-R, Financial Management Regulation, Volume 4, Chapter 6 (August 1999) (reference c).

3.5. That software is to be acquired, distributed, and transmitted consistent with pertinent federal laws, regulations and policies, including, but not limited to those governing copyright, procurement, and standards of ethical conduct.

3.6. That software is to be acquired, distributed and transmitted by contractors consistent with security regulations and policies, including but not limited to DoD Instruction 5200.40 (reference d).

3.7. That software is to be used in a manner consistent with software licenses and agreements and with DoDEA's instructional, public service, research, administrative, project, and task objectives.

3.8. To monitor and report piracy of software.

3.9. That acquisition, use, distribution, or transmittal of software incompatible with these policies may jeopardize an individual's further access to software and services related thereto, and subject the individual to administrative and or criminal sanctions.

4. RESPONSIBILITIES

4.1. The Director:

4.1.1. By this AI, establishes minimum uniform procedures and standards for acquiring or managing software, and designates primary administrative units authorized to recommend the acquisition of software to the DAA and to manage software.

4.1.2. Designates Approving Authorities in each area and for the DoDEA headquarters in accordance with DoDI 5200.40, (reference d).

4.1.3. Requires that each administrative unit authorized to procure or manage software adhere to the minimum procedures and standards of this AI.

4.1.4. Shall ensure that the Agency annually conducts a computer software piracy assessment and files necessary statements of material weaknesses concerning information technology in accordance with DoD Instruction 5010.40 (reference e), and otherwise monitors compliance with this AI.

4.2. The Associate Director for Education; the Associate Director for Management; the Director, Department of Defense Dependents Schools Europe; the Director, Department of Defense Dependents Schools, Pacific; and the Director, Domestic Dependent Elementary and Secondary Schools are designated primary administrative units for purposes of acquiring and maintaining software for use on DoDEA computers within their cognizance. Each primary designated unit:

4.2.1. Shall establish one or more software review panels, consisting of at least one Information Technology representative, and such other persons as may be appropriate, to ensure that software acquired by elements within their cognizance meets the minimal criteria of acceptability established by this AI.

4.2.2. May designate subordinate units within their respective areas of cognizance and authorize them to make recommendations to the DAA to acquire and to manage software consistent with this AI.

4.2.3. In consultation with the DAA, prescribe the conditions under which the DAA delegates authority to approve the acquisition of software recommended for adoption by the software review panel.

4.2.4. Shall ensure:

4.2.4.1. That all software acquired by administrative units within their respective areas of cognizance is acquired and managed in accordance with this AI.

4.2.4.2. That all users within their areas of cognizance are informed of licensing conditions for software acquired by the respective administrative units.

4.2.4.3. That all software acquired by administrative units within their cognizance has been duly registered, or that there are other indicia of establishing the administrative unit's authority to use the software.

4.2.4.4. That each administrative unit conducts an annual audit to ensure that software is 1) authorized by the internal review process and 2) maintained compliant with software licensing agreements.

4.2.4.5. That a file is maintained at the level of the primary administrative unit or such other designated administrative units that:

4.2.4.5.1. Lists the copyrighted computer software that resides on DoDEA-owned computers within the purview of the administrative unit.

4.2.4.5.2. Documents that proper licenses or written permission to use copyrighted computer software within the administrative unit have been obtained.

4.2.5. Provide the Director, DoDEA, an incident report of the software on DoDEA computers that is not:

4.2.5.1. Authorized by the internal software review process, or

4.2.5.2. Compliant with software licensing agreements.

4.2.6. Prescribe supplementary guidance as may be appropriate for administering these uniform minimal procedures and standards within their areas of cognizance.

4.2.7. Inform employees within their respective areas of cognizance that knowing of use or attempted use of software in violation of the procedures and standards of this AI may violate law, regulation, or policy, and that management is required to take appropriate administrative action to redress such violations.

4.3. The Chiefs of Information Technology for the primary administrative units shall serve as DAAs and ensure that their subordinate officers:

4.3.1. Fulfill delegated DAA duties in accordance with this AI.

4.3.2. Approve/deny the acquisition/use of software based on recommendations of the software review panel.

4.3.3. Verify that software licenses are in the administrative unit's file before installing software.

4.3.4. Install all software or grant exemptions to other individuals to install software.

4.3.5. Create and maintain an inventory of all hardware and software installed on the DoDEA computing environment within each administrative unit.

4.3.6. Report evidence immediately of software residing on DoDEA computers that is not being used consistent with software licenses and other agreements.

5. PROCEDURES

5.1. Each software review panel shall, prior to acquisition, review all software, including free updates offered on the Web, whether copyrighted, shareware, freeware, or public domain software, whether offered as a gift or sought by agency officials for formal acquisition. The software review panel shall:

5.1.1. Ensure that all software acquired is consistent with the standards prescribed in paragraph 2.4, above.

5.1.2. Document its recommendation to approve or disapprove of software.

5.1.3. Promptly recommend to the appropriate DAA or designee that the software be approved or rejected.

5.1.4. Routinely notify users when free software upgrades are offered on the Web and whether users may download and install the software.

5.2. Following approval by the DAA, administrative units may acquire and install approved software on DoDEA-owned or operated computers in compliance with licensing agreements or written approvals.

5.3. Following a software panel's rejection of software, proponents of acquisition may appeal the rejection to the software review panel for the administrative unit to the next higher level of administrative cognizance. However, no software review panel is required to reconsider an earlier rejection by a subordinate review panel.

5.4. Licensed software may not be copied on DoDEA owned or operated computer equipment except as specifically permitted by the software license (e.g., to create a back-up copy or to install on a home computer used by the employee for official business.)

5.5. DoDEA managers must report and take appropriate administrative action against employees who knowingly use or attempt to use software:
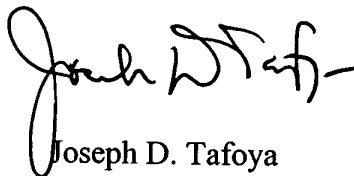
5.5.1. In violation of the licensing agreement or written approval.

5.5.2. That has not been authorized for use by the cognizant DAA.

5.5.3. That is otherwise incompatible with the policies and standards of this AI.

6. EFFECTIVE DATE

This AI is effective immediately.

Joseph D. Tafoya
Director

Enclosures:
Definition of Terms
Frequently Asked Questions

E1. Enclosure 1

DEFINITION OF TERMS

E1.1. <u>Administrative Unit</u>. The organizational divisions of DoDEA (e.g., Headquarters, Area, District, and School).

E1.2. <u>Freeware</u>. Software available for free use. Ownership is retained by the developer. The software is protected by copyright and its use is subject to the conditions defined by the holder of the copyright.

E1.3. <u>Harmful to Minors</u>. The quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it (a) predominantly appeals to the prurient, shameful, or morbid interest of minors, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (c) is, when taken as a whole, lacking in serious literary, artistic, political, or scientific value for minors.

E1.4. <u>Internal Software Review Process</u>. A series of actions leading to the selection of software for acquisition that meets the acquisition criteria as identified in paragraph 2.4, and that affords a level of confidence that software acquired and installed on DoDEA computer equipment preserves the integrity and security of DoDEA information technology and is consistent with the assurance requirements established by DoD Instruction 5200.40, "DoD Information Technology Security Certification and Accreditation Process (DITSCAP)," December 30, 1997, (reference d).

E1.5. <u>License</u>. The legal agreement between the manufacturer and purchaser of software stipulating the terms of usage.

E1.6. <u>Public Domain Software</u>. Software programs unprotected by copyright.

E1.7. <u>Shareware</u>. Software programs that are created and released to the public to sample, with the understanding that anyone using the software will register with the author and remit a fee.

E1.8. <u>Software Acquisition</u>. The acquiring of software by purchase, loan, or gift.

E1.9. <u>Supplemental Instructional Software</u>. All software used in classrooms, labs, and information centers other than adopted curriculum software, including shareware, freeware and public domain.

E2. Enclosure 2

FREQUENTLY ASKED QUESTIONS (FAQS)

Q1: What do I need to know about software and the U.S. Copyright Act?

A1: Unless it has been placed in the public domain, software is protected by copyright law. The owner of a copyright holds exclusive right to the reproduction and distribution of his or her work. Therefore, it is illegal to duplicate or distribute software or its documentation without the permission of the copyright owner. If you have purchased your copy, however, you may make a backup for your own use in case the original is destroyed or fails to work

Q2: Can I loan software I have purchased myself?

A2: If your software came with a clearly visible license agreement, or if you signed a registration card, read the license carefully before you use the software. Some licenses may restrict use to a specific computer. Copyright law does not permit you to run your software on two or more computers simultaneously unless the license agreement specifically allows it.

Q3: If software is not copy-protected, do I have the right to copy it?

A3: Lack of copy protection does not constitute permission to copy software in order to share or sell it. "Non-copy-protected" software enables you to protect your investment by making a back-up copy.

Q4: Isn't it legally "fair use" to copy software if the purpose in sharing it is purely educational?

A4: No. It is illegal for a faculty member or student to copy software for distribution among the members of a class, without permission of the author or publisher.

Q5: What are some examples of an "internal software review process?"

A5: Schools may decide to form a software review committee or have the software review process be a task of a school technology committee. If a committee is formed, it is recommended that among others, the Educational Technologist, the Administrative Technologist, an administrator, and the Information Specialist be members of this committee. The committee may meet collectively or individually to review the software. The overall purpose of the committee is to ensure that the software to be acquired meets the acquisition requirements as identified in the software policy.

Q6: Why can the test generator software from one curriculum area be installed on my DoDEA computer but the test generator software from another curriculum area cannot be installed?

A6: All software to be installed on DoDEA computers must meet all the conditions of the software policy. It is quite possible that the test generator software from a particular curricular area will be incompatible with the operating system or other installed software on DoDEA computers. Further, the licensing requirements of various software packages differ and the copyright restrictions of a particular piece of software may prevent its installation on DoDEA computers.

Q7: Why can the lesson plan software that came with one curriculum area be installed on my DoDEA computer and my home computer but the lesson plan software from another curriculum area can only be installed on the DoDEA computers?

A7: The licensing requirements of various software packages differ and the copyright restrictions of a particular piece of software may prevent its installation on multiple (school and home) computers.

Q8: May the software I received at a conference be installed on DoDEA computers?

A8: Software received at conferences may be installed on DoDEA computers after the software has been approved by the DAA and the licensing requirements of the software are met. This means the license or written approval to install the software must be on file in the school and the software is only installed on the number of machines as specified in the license.

Q9: Why can't my freeware, shareware, and public domain software be installed on DoDEA computers?

A9: Freeware, shareware and public domain software may be loaded on DoDEA computers if the DAA has approved the software and if it is verifiable that the software may be used without charge. The use on DoDEA computers must comply with the software licensing. In addition, a written copy of the license for the computer software must be maintained in the administrative unit's files.

Q10: Why can't my personal software be installed on DoDEA computers?

A10: Software purchased with your personal funds may be installed on DoDEA computers after the DAA has approved the software. The use on DoDEA computers must comply with the software licensing. For example, if the software license only allows the software to be installed on one computer you cannot install the software on both your home and DoDEA computer. In addition, a written copy of the purchased license for the computer software must be maintained in the administrative unit's files.

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Q11: Do I have to donate to the school the software I purchase with personal funds in order to have it installed on DoDEA computers?

A11: No, you do not have to donate to the school software you have purchased with personal funds. However, if you transfer to another DoDEA location or leave the employment of DoDEA, you must either donate the software (media, manuals, etc.) to the school or remove the software from the DoDEA computer.

Donated software must also be approved by the DAA before being installed on a DoDEA computer. The use on DoDEA computers must comply with the software licensing. For example, if the software license only allows the software to be installed on one computer you cannot install the software on both your home and DoDEA computer. In addition, a written copy of the purchased license for the computer software must be maintained in the administrative unit's files.

Q12: Why did the internal software review process turn down my request to purchase or install software on a DoDEA computer?

A12: In order for software to be approved for purchase or installation by the internal software review process the software must meet the following criteria:

- Supports the DoDEA Strategic Plan.

- Does not contain material harmful to minors.

- Does not result in the release of confidential student information in violation of DoD 5400-11.R (reference b).

- Is compatible with existing hardware platform, operating system, and currently installed software.

- Does not introduce unacceptable security vulnerabilities to the network and systems.

- Meets the requirements of DoD 7000.14-R, Financial Management Regulation, Volume 4, Chapter 6 (August 1999) (reference c).

Q13: What does "registering software with software vendor" mean?

A13: Many educational programs require an on-line or mail-in acknowledgement of receiving the software that designates a contact person to receive consumer information such as update announcements. When software is procured through volume licensing agreements or open/select licensing agreements, the license is essentially the "registration".

Q14: Does the DoDEA AI 6700.6 apply to software that is downloaded from the Internet?

A14: Yes. The DoDEA AI 6700.6 applies to any software installed on DoDEA computers regardless of the media (e.g., Internet, disks, CD-ROMS, etc.) from which it is installed.

Q15: Do the Areas have to maintain a listing of software installed on all the computers throughout the area including the district offices and the schools?

A15: No. Paragraph 4.3 allows the Chiefs of Information Technology to delegate responsibilities to their subordinate officers.