

e-mail essentials

Legal & Appropriate Use of e-mail

Study and Facilitator's Guide

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Foreword

Bad dream number one. You're sitting in front of your workplace computer. No one is around. You're not really very busy. It's been one of those days, and you need to vent a bit with someone who will provide some sympathy. So you jot down a quick e-mail message to a friend. In it you confide your private feelings—that your boss has been acting like a jerk, that you find yourself distracted by one of your co-workers who you find very sexually attractive, and that you're getting bored and are considering a career change.

Send.

The next morning your supervisor calls you into her office and presents you with a copy of your message.

Bad dream number two. You step into your office, turn on your computer and notice you have e-mail waiting. Lots of it. The first message is from a woman who is furious. How dare you send her such a rude and lewd invitation to go out on a date. You have no idea what she's talking about. The next message, from another enraged female co-worker, echoes the complaint. There are over 30 flaming messages. Has the world gone mad?

Not everyone wakes up at this point. Real situations very much like these are occurring with remarkable frequency in workplaces around the world. E-mail letters employees thought were private turn out to be very public documents. "Spoofers" log onto e-mail systems pretending to be someone they are not and broadcast messages that cause significant mischief. Electronic mail has been quietly revolutionizing workplace communications. The trouble usually happens when people think of their office e-mail as a personal and private resource.

The confusion around what e-mail is and how to properly use it comes in part from its newness. However, there's more to it than that.

E-mail is immediate, so it feels like having a conversation. But it's not really a conversation. It's more like correspondence. E-mail is created as you sit alone in front of your computer, so it feels private. But it's not private or confidential. Sending a message over the Internet or other networks can be more like broadcasting.

E-mail can be deleted with a simple mouse click or keystroke. But it doesn't usually disappear that easily. If someone wants to find an e-mail message you've sent, they usually can. E-mail can be fun, so people enjoy playing with it. But the legal and ethical consequences of inappropriate use are no joke.

Before you disconnect your modem for good, take heart. By following some relatively simple rules and using good common sense, you can continue to use this fast and efficient communications tool without getting yourself, or your organization, into trouble.

First, don't assume your electronic communications are private. E-mail can be forwarded, copied, printed, broadcast, intercepted, recovered, and in many other ways end up in hands other than the intended recipient's. Deleting an e-mail message doesn't usually mean it has gone away. After you hit the delete button, messages will continue to reside on hard disks, file servers, backup tapes, the recipients' computer(s) and many other locations.

Secondly, treat your e-mail as a form of correspondence—not a conversation. E-mail is written and leaves a record. Because of the casual style many people use with their e-mail, they may forget this important fact. Unlike a conversation, e-mail usually doesn't disappear once it has been created and sent. This leads us to our third rule.

Use the “light of day” test. If you would be embarrassed to have your e-mail message read in public or presented to a jury—don't write it. Electronic messages are routinely being entered as evidence in court proceedings. People have lost their jobs because of inappropriate or illegal e-mail they have sent. This is most likely to happen when people are emotional or angry. They react quickly to some perceived insult or injury, firing off a *flaming*, clever or witty retort. These rapid responses don't appear quite as funny when they are blown up and printed on giant cards presented to a jury as evidence or when they appear as headlines in the morning newspaper.

The new electronic communication technologies present amazing opportunities to improve productivity and to enhance our working lives. Used wisely, they are a tremendous benefit. But used inappropriately, they present you and your organization with serious liability.

Use wisely.

A handwritten signature in black ink that reads "Robert Rosell". The signature is written in a cursive, flowing style with a large initial "R".

Robert Rosell, President
Quality Media Resources, Inc.

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e-mail essentials

Legal & Appropriate Use of e-mail

How to Use this Guide

Program Format

e-mail essentials: *Legal & Appropriate Use of e-mail* is a video program that will introduce you to the complex array of legal and interpersonal issues that arise from the use of one of the fastest growing and most powerful communication tools ever.

e-mail essentials is intended to help employees in public and private sector organizations think through the appropriate uses of e-mail. After seeing the program, viewers will have a clearer idea of:

- How e-mail works.
- What, if any, privacy can be anticipated from using e-mail.
- How personal e-mail should be treated at the worksite.
- What some of the rules of e-mail etiquette are.
- What e-mail harassment is.
- How to handle confidential e-mail communications.
- How e-mail messages can constitute public records. (Public sector version)

e-mail essentials is comprised of short dramatizations that explore various issues that are common within organizations. Each scenario is analyzed by a diverse group of legal, human resources and technology experts. These practitioners discuss the significance of the dramatization, and suggest guidelines when encountering a similar dilemma.

Management and employee versions of the program are available for public and private sector organizations.

Scene 1: *Lose Weight Now*—use of workplace e-mail to promote a personal business

Scene 2: *Taking Initiative*—political campaigning over the e-mail system.

Scene 3: *Sorry, Wrong Address*—sending inappropriate, personal messages.

- Scene 4: *Flame Out*—using e-mail to express anger or other emotions.
- Scene 5: *The Joke's on Me*—playing jokes on co-workers using the e-mail system.
- Scene 6: *What Does "No" Mean?*—e-mail harassment is still harassment.
- Scene 7: *Adding Insult to Injury*—inappropriate personnel discussions (management version only).
- Scene 8: *Leaks Hurt*—sending confidential documents using e-mail.

The training manual can be used in a number of ways:

1. Self Study. Individuals working through the material presented in **e-mail essentials** should follow instructions as presented in the main section of each page.
2. Full training for large groups of employees. The full training format can be led by a facilitator. In this case, the information in the side columns of each page will assist the facilitator in conducting each segment of the training.
3. Small group study or training. In using this format for training, the group simply needs to follow the directions in the side column, just as participants in a full training program. In addition, the group can decide to use the scenario exercises to augment their training.

The material in **e-mail essentials** introduces guidelines for the preparation and use of e-mail. At the same time, it encourages participants to develop new skills for effective e-mail communication. There are four formats of this video program, an employee and management version, for public and private sectors. Each of the formats is addressed in detail in this booklet. Questions and activities are appropriately marked for each version of the video whenever there is a difference in the program contents.

e-mail essentials should be seen in its entirety and then shown in specific segments as suggested in this guide. This format is recommended for either self study or for the facilitated training program.

Additional materials needed for facilitating exercises and activities are either a black board, a white board, or flip charts to record observations or information from brainstorming or other activities.

Scenario Exercises

A number of exercises have been created around the seven dramatized scenarios in **e-mail essentials** (eight scenarios in the management version). They are contained in their own section in this guide beginning on page 24. If an organization is encountering a problem with a particular issue that relates to the use of e-mail, an appropriate exercise can be selected and incorporated into the training.

Scenario exercises can be used as Pre-viewing Activities or integrated at other points in the training session. They are intended to be a flexible resource to use, or not, as determined by the needs of the group.

All of the scenarios presented in the video are generic and can easily be adapted to correspond to the specific conditions of an individual organization.

Handouts and Photocopying Rights

Handout pages that are part of the training are located throughout the guide and are titled as such. They follow each of the major topics explored in the video. Trainers need only to decide which topics would be relevant for their group, and have copies made.

When you license training rights for **e-mail essentials**, Quality Media Resources, Inc. (QMR) grants you license to make as many copies of this guide or the handout pages as needed for your organization. **However, copying the videos is illegal.** Quality Media Resources offers a per person training rate for **e-mail essentials**. Call your QMR distributor to find out more information.

Bibliography

One of the very best ways to keep abreast of what is happening in the fields of e-mail and the Internet is to go directly to the source. Therefore, in addition to trade books and articles, the bibliography lists several on-line Internet resources.

E-mail and Internet Glossary

As with all new inventions, trends and processes, e-mail and the Internet have sparked the creation of new terms and added definitions to familiar words. The e-mail glossary addresses these additions to the English language.

e-mail essentials

Legal & Appropriate Use of e-mail

Self Study and Facilitation Guide

Pre-viewing Activity

1. Prior to viewing the video consider the following questions about communication:
 - What are the elements of good communication?
 - What causes communication to break down?
 - What forms of communication are most effective for you?
2. E-mail is one of the newest communications tools we have at our disposal. List the advantages and disadvantages you have experienced, or anticipate, in using e-mail.

e-mail Advantages e-mail Disadvantages

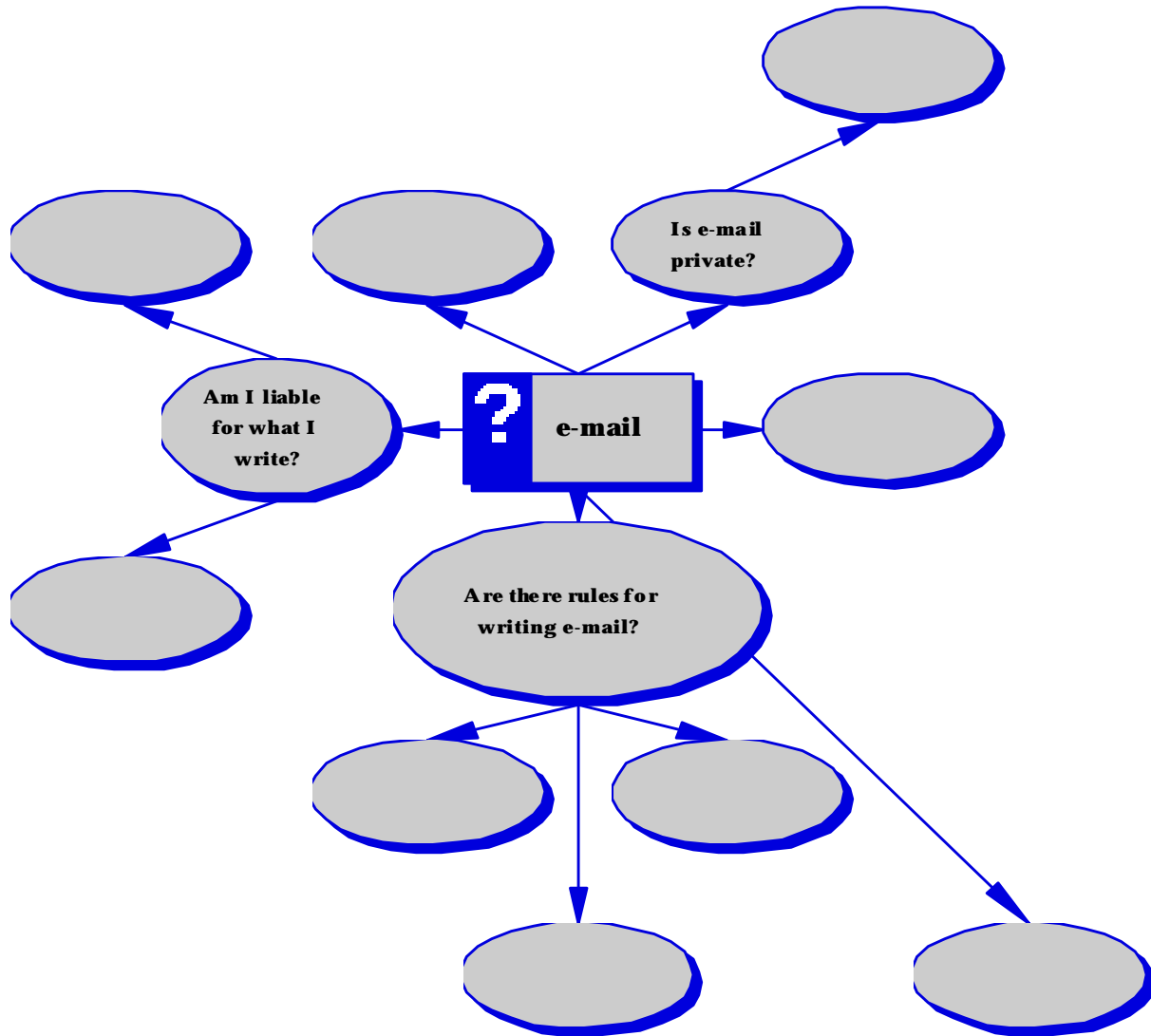
3. To prepare for viewing **e-mail essentials** think through responses to the following:
 - In what circumstances is e-mail a good tool for communicating?
 - What makes for good e-mail communication?
 - In your opinion, when is it least effective?
4. Brainstorm any questions you may have about e-mail.

Use the chart on the following page to help formulate your questions. Questions can be developed individually or as a group.

Your questions should be answered as you view the video and work through the support material.

5. Show the video in its entirety. Rewind after completion.

HANDOUT



What is e-mail?

1. Return to the questions on the preceding page. Which questions were immediately answered by the video? Which questions still need to be explored?

You should find that the questions you generated will be answered either directly through viewing the video or by working through the material in this guide.

2. Recall the reasons offered in the video explaining why e-mail is more like correspondence than conversation. Use the grid below to record the difference.

e-mail	
<u>may appear to be:</u> <u>but it really is:</u>	
<i>a conversation</i>	<i>more like correspondence</i>
<i>private</i>	
<i>easily deleted and forgotten</i>	
<i>fun or a novelty</i>	

3. One of the best ways to judge the significance of e-mail is to think about it as a piece of correspondence. Just as there are rules, etiquette and conventions for sending a memo, letter or fax, so there are do's and don'ts for writing e-mail.

Consider what rules you expect others to follow when sending an e-mail message to you. Record your observations.

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

4. Review the Netiquette (network etiquette) Practices on the following page and compare them to your own list of good e-mail rules.

HANDOUT

Netiquette Practices

1. Read and respond to your e-mail daily. Reply to all messages, if possible, even if it means that you acknowledge the receipt of a message with just a few words.
2. Create e-mail messages with the same care you do formal and informal written business correspondence. Remember your e-mail message can end up in the hands of people other than the intended recipients.
3. Express yourself carefully in your e-mail communications. Avoid sarcasm. Remember it is more difficult for a person to know the intention of your message when they can't see your body language or hear your voice.
4. Never take what someone else has written and use it without acknowledgment or permission.
5. Don't forward someone's message on to others without their permission.
6. Always announce who you are when sending e-mail. Never pose as someone else.
7. Keep your e-mail messages brief. Try to keep your messages to no more than a full-screen. Messages that need to be scrolled are too lengthy. It is the policy in some organizations that longer messages or sensitive information be sent as documents attached to your e-mail.
8. Fill in the subject field of your e-mail message. This allows the receiver to recognize the content and the importance of your message.
9. Don't send abusive or defamatory messages. Remember, laws that govern written communication apply to e-mail. These include laws relating to copyright, defamation, obscenity, fraudulent misrepresentation, freedom of information and wrongful discrimination.
10. Be tolerant of people making mistakes when using e-mail. Electronic mail is a new tool for many.
11. Let individuals know when you aren't available to answer your e-mail, or make arrangements for your e-mail to be forwarded to someone else during your absence.
12. Remember that sending e-mail is like writing a letter on official letterhead and should reflect well on you and your organization.

Business Use

Personal Use

1. Is there a rule within the organization that offers guidelines for receiving or making personal telephone calls at work? If so, what is it? If not, what is the unwritten rule?
2. How is communicating by e-mail “similar to” but “different from” using the telephone at work?
3. Why might it be in an individual’s best interest to avoid personal e-mail communication at work?

Questions that Pertain to the *Lose Weight Now* Scenario

1. How was Jim out of line in sending this e-mail?
 - Should this type of soliciting have been done at work? Why or why not?
 - If Jim composed his message on his own time would it have been acceptable to send it from work? Why or why not?

The response for both questions is “absolutely not”. Jim is promoting his own business on the organization’s time, and on equipment that is not his own.

Business computers are intended for business use only. Soliciting for a personal business is not allowed. In addition, junk mail uses up computer memory and wastes time.

- If Jim sent his message from home on his own time, would it be an acceptable message? Why or why not?

Jim’s message can do more harm than good. He hasn’t considered how people will view his notice, if they will take offense or be open to it. At the same time, Jim might be supervisor to some of the people he is contacting and they may feel pressure to respond positively to his solicitation.

2. How is receiving Jim’s message similar to getting junk mail?

Sending unsolicited e-mail to individuals is tricky business. It is often compared to receiving unwanted junk mail. It is called spamming—sending undesired messages to many individuals at once.

3. Is there an acceptable way Jim could have let his friends know about his success and new business? What is it?

Jim might have written to his friends on his own time, and on his home computer. However, he still should not be sending messages about his personal business through his organization's electronic system. He should contact individuals through their home e-mail addresses.

4. If his organization offers some kind of electronic bulletin board for posting personal messages, how might Jim change his message so as not to offend his friends, colleagues and acquaintances, and not be accused of being a spammer?

I have met with some recent success in using what I feel is a quality weight lose product. I am developing a list of contacts who may be interested in making extra revenue marketing these. Please e-mail me if you would like to exchange details.

Jim [last name] (home e-mail address)

Questions that Pertain to the *Taking Initiative* Scenario

1. Taking into consideration what was just learned from the *Lose Weight Now* scenario, list what Samantha Conner did correctly and what she did incorrectly by sending her e-mail message.

Correct

1. *Working on her own time*
2. *Signed her message*
3. *Asked for others to contact her after work*

Incorrect

1. *Sent message through organization computer*
2. *Writing in capital letters*
3. *Others may feel coerced to join her cause, especially if she is a supervisor*
4. *May lead to unnecessary workplace conflicts*

2. While it is a basic rule in the public sector that public resources, in this case the computer and the e-mail system, not be used for political purposes, why is Samantha's message inappropriate for any organization?

Frequently the best of intentions can be harmful when others don't operate from one's own perspective. In this case, some of the people who work with Samantha may think differently about initiative 4B, and still others may feel the pressure to join her efforts because they are subordinate to Samantha. In either case, there can be hard feelings and repercussions later on.

3. Why might writing in capital letters be construed as "shouting"?

Since there is no way to gauge subtlety in e-mail, the use of all capital letters conveys urgency or anger. Using all caps may be seen as rude.

Privacy

1. Brainstorm the reasons why electronic mail is not private.

- *E-mail can be printed out and given to other people.*
- *It can be saved on back up systems and other storage media.*
- *It can be forwarded electronically.*
- *It can be intercepted.*
- *Even when deleted, it can be retrieved.*
- *It can be used as evidence in a legal case.*

2. Create a list of when it is most appropriate to use the following forms of communication: e-mail, correspondence, face-to-face meetings, and telephone calls.

e-mail

Correspondence

Face-to-Face

Telephone Calls

3. Brainstorm the limitations of e-mail. Consult the previous list to give you ideas to complete the brainstorm.
 - *It provides a permanent record when one is not always needed or desired.*
 - *Since it is easy to use, it allows the user to respond quickly to issues that may require more time to process.*
 - *It is immediate and can't be taken back.*
 - *It does not take the place of face-to-face contact when dealing with sensitive issues.*
 - *Since it is accessible to large numbers of people, inside as well as outside the organization, there is no confidentiality.*
 - *It provides a record of information and opinions written by the sender and for which (s)he is liable.*

4. What is implied by the term “flaming.”

“Flaming” is sending a harsh, often rude or angry e-mail message because of some incident that occurred or in response to a message received.

5. Explore alternatives to sending “flaming” messages you may later regret.
 - *Wait 24 hours before responding to a message that makes you angry.*
 - *Use other communications tools (face-to-face conversation, telephone) when dealing with emotional issues.*
 - *Re-read your messages before sending them and anticipate the impact they may have on others.*
 - *Take a walk or a break to think through your feelings, and to refocus.*
6. Explore what an organization’s policy should be for someone who reads the e-mail of a colleague or poses as someone they are not when sending a message.

Disciplinary action should be taken for any inappropriate invasion of privacy, confidentiality or for posing as another person.

7. Review the handout, “The e-mail Checklist.”

The e-mail Checklist

The Do List

1. Do be as respectful to people with whom you communicate via electronic mail as you are with people you interact with personally.
2. Do show patience and concern for people's unfamiliarity with electronic mail.
3. Do review each electronic message before you send it.
4. Do consider that each message you send via electronic mail has the potential to be seen, reviewed and scrutinized by an endless number of people, many of whom you don't know.
5. Do compose content and distribute it as if it were a "hard copy."
6. Do be careful with humor, sarcasm, exaggeration and speculation, as these can be hard to explain out of context.
7. Do promptly call inappropriate messages to the attention of the author, or if necessary, a supervisor.
8. Do write each of your messages as clearly and concisely as you can.
9. Do make certain that you let people know the nature of your message by filling in the subject field.
10. Do let people know what you are responding to. If necessary, include a portion of the original message sent to you in your reply.
11. Do identify yourself as the author of each e-mail you send.
12. Do make an effort to understand how your e-mail system works.
13. Do be courteous and remember that you are representing your organization with each e-mail message sent.

The Don't List

1. Don't put something in an e-mail message that you would not put in a memorandum.
2. Don't make unnecessary copies of messages or forward messages to others without a reason.
3. Don't send out broadcasts on e-mail without approval.
4. Don't respond to a message when angry. Allow yourself a safe "cooling off" time before replying.

5. Don't assume someone else's identity when sending an e-mail message.
6. Don't change someone's message to you and then send it on.
7. Don't spam (broadcast junk mail).
8. Don't send personal e-mail messages on work time or on the organization's equipment.
9. Don't put something in writing that should be said in person.
10. Don't shout at people by using all capital letters in your message.

Harassment

1. Explore the following questions:

- What is harassment?
- What kinds of harassment exist?
- Which of these are most prevalent in the work force?
- What is your organization's position on harassment?
- In what ways is harassment an unnecessary expense to an organization?

Harassment can be sexual, or it can be based on race, religion ethnicity, national origin, age, sexual orientation, disability and other characteristics. Harassment can lead to lost work time, significant monetary fines, and unnecessary workplace polarization and conflict.

2. Consider the following questions that relate to harassment through e-mail:

- What are the various ways that individuals can harass through using e-mail?

Receiving undesired messages, photos, jokes, poems or other written text. Loading the recipient's mailbox with junk mail.

- Why is it easier to catch someone harassing over e-mail than it is over the telephone?

E-mail is easier to trace.

- How should issues of e-mail harassment be handled in the organization?

The same way as any other reported form of harassment.

Questions that Pertain to the *What Does "No" Mean?* Scenario

1. If Dave's repeated requests to Gwen were made in person how would you expect Gwen to handle them?

Most probably Gwen would be direct with Dave and tell him "no" just as she has done by e-mail. The major difference for Dave would be that he would have to face Gwen when she said "no."

2. How should Gwen now deal with Dave? Should she handle what she perceives as harassment by continuing to respond to his e-mail? Or should she do something different? If so, what?

Gwen should stop responding to Dave's e-mail and confront him face-to-face. She should make it clear in her conversation with Dave that she feels harassed and wants his messages to stop. If Dave continues, Gwen should inform her supervisor or the HR department.

3. Are Dave's requests to Gwen really harassment since they seem to be "friendly" and "not sexual"?

Repeated requests for dates or any other unwelcome advances are inappropriate and may be illegal harassment. Harassment does not have to be intentionally offensive or nasty to be illegal. If it is perceived as harassment by the victim, it probably is harassment.

Confidential Information— Management Version of the Video

List the occasions when a supervisor or manager should **not** use e-mail. Speak specifically to your responsibilities.

- 1) *Discussing or presenting performance feedback or other related issues.*
- 2) *Presenting sensitive budgetary issues.*
- 3) *Discussing the roles of specific individuals on a team.*
- 4) *Changing work responsibilities of an individual.*
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)

Questions that Pertain to the *Adding Insult to Injury* Scenario

1. How might the remarks Jack made about Harry be later used against him in an age discrimination suit?

Generalizations and stereotypes regarding an employee's age, race, gender, or background can be viewed as illegal discrimination.

2. How did Bev make things worse by suggesting that Jack delete the information?

Sending another message to correct the first, or trying to delete or electronically shred e-mails sent is usually futile and may be illegal.

3. How were Jack and Bev not acting respectfully towards Harry?

The role of any manager or supervisor is to act as a mentor and coach, and most importantly, to act respectfully towards employees. It appears that Harry received no respect or help from his supervisors.

4. What evidence does Harry have against the organization because of Jack and Bev's communication?

Managers should never engage in illegal or inappropriate e-mail discussions about an employee. Harry has knowledge that this conversation occurred and that his age and “background” were discussed.

5. What are the lessons learned from this scenario?

- *Efforts to cover up illegal activities can themselves be deemed illegal.*
- *In cases of illegal activity, both managers and organizations may face liability.*
- *In any personnel discussion, regardless of the medium, managers should be respectful and careful not to violate the law or employee's rights.*

Public Records— Public Sector Versions of the Video

1. What is a Public Record?

Any document, even e-mail messages, that relate to public policies or issues of interest to the general public. Such issues are those funded through public moneys, or those that are brought before the courts for scrutiny.

2. Are all e-mail messages sent by public employees public records? If not, do they have the potential to become public records?

All e-mails without doubt have the potential to become public records. Therefore, writers of e-mail should always operate from the premise that their message may be viewed by the public.

3. What are the basic guidelines public employees should follow when sending e-mail?

E-mail messages should be written in such a way that they do not discredit the person sending the message or the organization that (s)he represents. At the same time, the message should be respectful of the individual or organization that is being addressed in the communication.

Questions that Pertain to the *Leaks Hurt* Scenario

1. What went wrong in this scenario?

Everything that could. From the beginning, Ellen should never have sent her initial e-mail communication to Marcus. Marcus made matters worse by forwarding the message to people who should not have seen it.

2. What are the lessons to be learned from this scenario?

- *E-mail must be used cautiously, or not at all, when addressing sensitive issues.*
- *Documents that contain sensitive or confidential information should be labeled as such. Such documents can be sent as attached files and may be password protected or encrypted.*
- *The more people who get an electronic communication, the greater the likelihood that an inappropriate “leak” will occur.*
- *Public records laws may require disclosure of all written communication. (Public sector)*

3. What are the three guidelines suggested in **e-mail essentials**?

- *Don't assume your e-mail communications are ever private.*
- *Regard your e-mail communications as if they were a form of correspondence, not a conversation.*
- *Use the "light of day" test for all e-mails you write. If you would be embarrassed to have your e-mail message read in public or presented to a jury—don't write it.*

Scenario Exercises

The following exercises are intended to supplement **e-mail essentials** for small group study or large group training. The leader/facilitator can select activities that will focus on specific issues and concerns within the organization relating to the use of e-mail. All these exercises are based on the bottom line messages presented in one or more of the program's dramatizations.

The side columns found throughout this guide that provide instruction for leaders/facilitators suggest where each of these scenario exercises will best fit in. Copy these exercises for group members.

Recommended time allotments for the exercises follow. Times are based on large group (15-20 persons) training sessions.

Business Use/Personal Use

60 minutes (15 minutes discussion on personal use of the computer at work; 20 minutes to draft an acknowledgment form, 10 minutes for groups to present their draft forms, 15 minutes for taking the most salient points from each of the forms to compose one master form for the group.)

Privacy Issues

40 minutes (15 minutes to work on the dramatized ending to the scenario; 5 minutes for each group to present their skit and "moral of the story" ending; and 10 minutes to process and discuss the endings.)

The entire group should be divided into three smaller groups. Assign a different scenario's ending to be acted out by each of the three groups.

Leaks Hurt (For Managers)

30-60 minutes for initial activity; follow-up at a later time will be required to complete task.

Business Use /Personal Use

As the use of electronic communication systems becomes increasingly popular, many of us find ourselves confronting a mammoth number of e-mail messages each day. Personal messages are sometimes woven into our business communications. Messages that demand immediate attention are wedged atop and below quip exchanges and announcements for events that have little relevance to us or our work.

While e-mail systems are designed to improve productivity, increase the ability to communicate with colleagues and aid in accelerating decision-making processes, their effectiveness can be reduced by useless, repetitive and undesired messages. Some organizations have policies and guidelines delineating acceptable personal use of the computer and the organization's electronic message system. Others do not.

In small groups discuss what your organization's and/or department's policy should be regarding the personal use of computers and the e-mail system. Discuss the following:

- Should employees be allowed to use the organization's computer and electronic system for personal use? If so,

what are the limitations?

- Should there be limitations on personal mail sent between colleagues?
- Should employees be allowed to subscribe to Internet mailing lists that pertain to their work?
- What should the policy state about privacy of e-mail? About use of other people's passwords?
- Should the organization have access to your e-mail?

Add other issues to your discussion that relate specifically to your work. After having completed the discussion review the "Employment Acknowledgment Form" on the following page. **Please do not refer to this form until you have completed your discussion.** This is a sample e-mail policy. Use this policy statement as a guide to create a similar statement for your organization or department.

Prepare to share your form with the entire group. Select one person to be your representative. Following the small group presentations, the entire group will decide on which form speaks best to the organization's or department's needs. The entire group should decide if and which changes, deletions, and additions need to be made to the form.

The ultimate goal is to produce a document that each person in the group can sign and that addresses the issue of personal use of the organization's computer and e-mail system.

Employment Acknowledgment Form

I acknowledge that the computer that I use and the electronic systems through which I send and receive my e-mail belong to _____. Further, I understand that all messages I send, receive, or store are also the property of _____. In addition, I understand that there are limitations to my sending personal messages through electronic mail. These include:

- sending mail that promotes personal business.
- sending material that is inappropriate and may reflect poorly on the organization or myself.
-
-
-

I realize that e-mail messages are not private. I agree and consent to the organization monitoring my use of the computer at any time. This monitoring may include the printing and review of all e-mail messages—entering, leaving or stored—in my system.

Finally, I agree that I will not at anytime, without a person's permission, use his/her e-mail address. Nor will I retrieve his/her messages or files.

I understand all aspects of this statement and am willing to acknowledge it by appending my signature here.

Employee's Name

Signature

Date

Privacy Issues

Once an e-mail message is sent, it is gone. If it contained something that shouldn't have been said, it can't be taken back.

E-mail is a remarkable communications tool. In addition to its speed, it can be duplicated endlessly, intercepted by people you don't even know, and reappear when you least expect it. In **e-mail essentials** you have viewed three dramatizations that relate to privacy issues. You are about to see the second act to each of these scenarios and the dramatic moral packed ending for each. The actors? This group.

The director (leader of this session) will break you into three working groups. The original script for each of the scenarios is written below to help you recall details. Below each script are directions on how to set up the second act to the scenario. Of course, you have artistic license to change the parameters offered. Finally, you need to create the third and most important part of each of the plays—the “moral of the story.” This needs to be a grand finale and should include your entire group. Finales are big productions. Anything goes—poems, songs, dances—any artistic expression that gets the point across. Remember each of the scenarios has more than one important point to include.

Sorry Wrong Address

Pat (to audience): *I wanted to die.*
Kim (to audience): *You should have seen the look on Pat's face.*
Pat (to audience): *It was personal. Very personal.*
Kim (to audience): *She looked like she wanted to...*
Pat (to audience, and overlapping Kim): *Everyone in the office got it.*
Kim (to audience): *We all felt bad for her. Except Fred. He thought it was very funny. Well, Joel thought it was funny too.*
Pat (to monitor as she types): *Robert. New e-mail system is working so I thought I'd try it out. BTW, last night was amazing. I can still smell the massage oil. Yummy. Home at the usual time. Love you, Pat. (to audience) I hit a wrong address button somehow.*
Kim (to audience): *Well okay, I thought it was funny too.*

Directions: Pat did hit the wrong button. Her message was sent to everyone in the office including her manager, the departmental supervisor and the CEO. Scene two begins with Pat's manager and the department's supervisor talking about the e-mail message that kept the office in “stitches” all day yesterday. After their conversation Pat is called in for “a chat.” Your group is to act out scene two and the moral learned by Pat and her colleagues.

Flame Out

Ron (to audience): Really burns me up.
Steve (to monitor as he types):
*To: Ron, cc: Accounting
Sorry about the confusion on the payment of your earned overtime. Accounting misread the codes.*

Ron (to audience): This is the third time! Jerks.
Steve (to monitor): I know we've had this problem before, but I thought we had fixed it. Guess I was wrong. I'm copying this to accounting. Should have your check by the weekend. Sorry about the confusion. Steve.

Ron (to monitor): Steve: You shouldn't be apologizing. Those brain dead morons in accounting should. They've got the easiest job in the building but they're just too STUPID to get it done right. Ron.

Steve (to audience): Then he hit the send button. The message went to me, and a copy automatically went to accounting.

Ron (to audience): You're kidding, right?

Directions: Ron's message did go to accounting and he is feeling BAD. Scene two opens with Ron talking with Steve. (You choose: by face-to-face communication, or through phone or e-mail communication.) Ron asks Steve's advice. You may need to bring someone in from accounting to complete your role play. Your grand finale can include Ron, Steve, and the accounting department.

The Joke's on Me

Lewis (to audience): So we have this new supervisor, Joanne. She's okay, but a little uptight, you know? So I figure what she needs is to lighten up a bit. So one lunch hour when no one's around, I log onto her computer, get into her e-mail—she picked the most obvious password—and sent out a little memo:
(to monitor): As you all know, Friday will mark the 1 month anniversary of my coming on board here. To celebrate and to show you how much I appreciate the excellent work you all do, we will all take Friday afternoon off. Thanks for a great first month. Joanne. (Send.)
(to audience) It was a joke. I didn't think anyone would take it seriously, you know? (pause) They took it seriously.

Directions: Scene two opens with Joanne walking into the room and everyone thanking her. Lewis is getting a little upset, and Joanne is looking very puzzled. She stops to ask someone what is going on. An explanation follows. Joanne gets embarrassed and then addresses the group. You take it from there.

Leaks Hurt

The dramatization **Leaks Hurt** helps us see the vulnerability of organizations and individuals when e-mail communication is used inappropriately. The discussion that follows the scenario, on issues of retention of public records and confidentiality, and how policy issues should be handled, underscores the need for organizations to have clear guidelines regarding e-mail communications.

Review the following sample document: "Policies and Guidelines for Electronic Data/Records." Consider the three main topics and subtopics delineated in the document. Discuss the relevance of this document to your organization's needs. Determine which of the areas addressed need to be rewritten and which should be deleted. What additions should be made that speak directly to your own operations?

Decide on a timeline to complete your guidelines, including its presentation throughout the organization. Or, if your organization currently has an electronic communications policy, this would be a good place to hand out copies and review that policy.

Policy

Policies and Guidelines for Electronic Data/Records

I. Creation of Electronic Records. Objective: Remind employees about which uses of electronic systems are proper - and which are improper.

Personal Use. The organization's computers, like all other provided equipment, are intended to be used to accomplish the organization's business. Individual departments may adopt policies permitting occasional and minimal personal use of equipment (so long as certain conditions are met, the most important of which include that the use does not result in any marginal cost to the organization and the use does not interfere with the accomplishment of business).

Use to Support or Oppose Candidates or Propositions. It is also important to note that employees may not use the organization's equipment, including the e-mail system, to promote or oppose any political candidate or ballot measure.

[For Public Sector] Most Records are Subject to Public Disclosure. Most electronic records generated for public sector purposes, like most such paper records, are subject to local, state, provincial, or federal public access laws. A useful rule is that electronic records, including e-mail messages, should be composed with the same care given a comparable paper memorandum.

[For Public Sector] Use of Electronic Mail for Substantive Policy Discussions. Employees are encouraged to use electronic mail as a communications medium for sending routine messages. Employees are encouraged not to use electronic mail itself as a medium for substantive policy discussions, but rather as a device for delivering attached memoranda or other records containing such discussions. (Please see Retention section below.)

II. Retention of Electronic Data/Records. Objective: Inform employees about which electronic records and data they should retain, how they should retain them, and direct departments to conduct appropriate training.

Employees Should Retain Electronic Data/Records That Contain Substantive Information Related to the Business of the Organization. This is equally true for both paper and electronic data/records, and whether the electronic data is contained in word-processing, spreadsheet, or other software files, in electronic mail messages, or in paper memoranda.

Scope of Requirement: The requirement below is intended to apply primarily to data and records created in the routine use of office automation software (routine use of word processing, spreadsheet, electronic mail systems). It is not intended to apply to automated business systems where the electronic back-up/storage of historical data is an appropriate and efficient retention system .

Employees Should Retain a Copy of Word Processing, Spreadsheet, Electronic Mail Messages in One of the Following Ways:

- Retain the data/record in electronic form on either the user's hard drive or on the applicable server (depending on the department's policy); or,
- Print out the data/record and file it in the appropriate paper file(s).

Electronic Mail Messages Should be Retained as Described Below. Please consult with appropriate staff regarding retention of special or unusual documents.

- Routine/Nonpolicy Notes, Messages, Transmittal Letters, e-mail is an appropriate medium) Short-term retention in employees mailbox is sufficient.
- Policy Correspondence and Reports (Attached files are appropriate medium: e-mail is appropriate as a delivery device) Archive data on individual hard drives or on server, depending on Department policy.

III. Retrieval of Electronic Records. Objective: Enable the organization to efficiently retrieve retained records.

Departments should also review current policies on records retrieval in general and modify or develop, where appropriate, policies regarding how electronic records, including archived electronic mail messages, may be retrieved most efficiently.

Note: [For Public Sector] Many electronic records generated for the public sector, like most such paper records, are subject to records retention and preservation laws. All governmental records that are retained, whether or not they were required to be saved under retention law, are subject to public access laws.

E-Mail and Internet Glossary

Acknowledgment

It is polite to respond to all e-mail requests even with a short response indicating that the message was received, and if necessary, a comment saying: "I will get back to you shortly with a reply."

Broadcasting

Sending unsolicited electronic mail to a large number of people.

Capital Letters

Writing a message by using all capital letters is seen as shouting and may be considered rude.

Chains or Ropes

Chains result when the message received is copied and included with a response. If several conversations are required to complete the communication, or if several individuals are involved in the communication, chains can become excessively long. Good judgment is needed when chain messages are being sent.

Electronic Junk Mail

Undesired mail sent to a large number of individuals. Just as most junk mail is unwelcome, so is electronic junk mail.

Electronic Mail (e-mail)

Mail sent digitally through inter- or intra-office electronic communications and possibly linked world-wide by Internet.

Flaming

Sending a message using an unpleasant, nasty or angry tone. Most flaming messages are written in reply to a message that is upsetting and sent immediately after a person has read his/her e-mail. Some organizations have adapted a wait rule for replying to an e-mail message that provokes anger. Still others insist that no *flaming* communication should be sent via e-mail.

Humor

Humor used in e-mail does not usually go over well primarily because the person receiving the message cannot see the sender's expression. Therefore humor is very frequently perceived as sarcasm. One of the ways that has been devised to communicate humor through e-mail is for individuals to use a "smiley face" :-). The use of smiley faces is acceptable for private e-mail communication, but it is not recommended for business.

Message Archive

A place on your hard drive or on a disk where electronic messages are stored for the purpose of retrieval.

Missed Signals

The range of information that cannot be communicated by e-mail such as any verbal and non-verbal expressions (facial clues, eye contact, body language, and tone of voice).

Netiquette

Code of rules and practices for communicating on the Internet and for composing e-mail.

Permanence

Unlike phone conversations or personal communication, e-mail usually leaves a permanent record of a sent message.

Privacy

Any electronic communication may become public knowledge. A rule to follow when writing your e-mail communication is “If you don’t want to read it on the front page of a newspaper, don’t send it.”

Responses

It is essential that responses through electronic mail are clear. Short one-word responses serve no purpose. Responses should refer in some way to the message sent.

Sender

Always identify yourself by name when sending e-mail. If your systems do not provide space for your name, it is polite to include a signature line.

Shouting

Using all capital letters when sending a message.

Spammer

A person who sends junk mail messages to many individuals or to multiple lists regardless of their interest in the message.

Spoofing

Pretending to be someone you aren’t.

Subject Field

A line in which the purpose of the e-mail is listed. Subject lines are important as they allow the receiver to immediately see the topic and importance of the message.

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Business Netiquette International
<http://www.bspage.com/1netiq/Netiq.html>

Business Technology Association
<http://www.bta.org/>

Small Business Law Center
<http://www.courtvtv.com/legaldocs/business/>

Who's Who in *e-mail essentials*

Bruce M. Brooks

Deputy Mayor, City of Seattle

Bruce Brooks was appointed Deputy Mayor in January 1995 by Seattle Mayor Norm Rice. Prior to his appointment, Brooks had been with the Seattle law firm of Perkins Coie since 1988, serving as a partner since 1993 where his practice focused on labor and employment law issues.

Prior to his appointment as Deputy Mayor, Brooks was very active and involved in a number of programs in the fields of human services, education, and public capital investment strategies. He served as Mayoral appointee to the Seattle Housing Authority Board of Commissioners since 1991 where he worked on a wide range of housing issues for Seattle's low income communities. Brooks chaired the Citizens Capital Investment Committee which investigated how the City could improve its investment in capital projects and major maintenance to sustain the city's public buildings and infrastructure. He also served as Chairperson of the Country Doctor/Carolyn Downs Community Clinic Capital Committee from 1991-92. Currently, Brooks serves as First Vice Chair of the United Way of King County Board of Directors and as a board member of the Northwest Area Foundation.

Brooks graduated magna cum laude from Harvard University, and holds a law degree from the Harvard Law School. He lives in Seattle with his wife and son.

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Referred to as "a 1990's computer gumshoe" by the Seattle Times, Joan Feldman is a pioneer in the science of forensic computing, combining over twenty years of computer and litigation expertise. As president of Computer Forensics, Inc., Ms. Feldman obtains and analyzes electronic data used as evidence in civil litigation and oversees the work of CFI's forensic teams. Ms. Feldman also maintains primary responsibility for corporate electronic risk control programs, assisting business clients with the development of e-mail communication, data retention, and privacy policies for electronic records. Based in Seattle, Washington with offices in Portland, Oregon, Computer Forensics, Inc. works with clients nationwide.

Jack G. Johnson

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Jack Johnson is an attorney in Seattle, Washington. He has been involved in legal advice and litigation on behalf of local governments since 1980. He is a graduate of the University of Washington School of Law. Since 1990, he has served the City of Seattle as Chief Civil Attorney in the Office of the Seattle City Attorney.

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Carolyn Ladd is an attorney whose practice covers all aspects of labor and employment law. She has a Master of Law (Labor Law) from Georgetown University where her thesis topic was the reasonable accommodation requirement of the Americans with Disabilities Act. Prior to joining Lane Powell in Seattle, Ms. Ladd litigated workers' compensation cases as an Assistant Attorney General for the State of Oregon. She also worked at the National Labor Relations Board in Washington, DC. Ms. Ladd is licensed to practice in both Oregon and Washington. She received her Juris Doctor from the University of Oregon and her undergraduate degree from the University of Washington.

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Jonathan Littman is a bestselling author and journalist who frequently talks to corporations and large organizations about computer security and online issues. Mr. Littman's best-selling 1996 book *The Fugitive Game, on-line with Kevin Mitnick*, was critically acclaimed in *The New Yorker* and *Newsweek* and is being published in Japan, France and Brazil. Mr. Littman is also the author of *The Watchman*, optioned as a major motion picture by Touchstone Pictures, and dozens of articles on hackers and high-technology that have appeared in the *Los Angeles Times Magazine*, *Forbes*, *PC Week*, *Upside Magazine* and the *San Francisco Chronicle*.

Jonathan Littman is a past winner of the national Computer Press Award for best feature, and was nominated for a Pulitzer Prize for his investigative work.

Candy S. Marshall

General Counsel & Director of Human Resources

WRQ, Inc.

Candy is General Counsel and Director of Human Resources for WRQ, Inc. Prior to joining WRQ, Candy served as a human resources advisor and legal counsel to Northwest employers for over 15 years. During that time, Candy focused her practice on helping companies develop and implement innovative human resources programs and trained thousands of managers in a wide range of industries on all aspects of the employment relationship. Candy has also appeared as an expert in over 20 training videos addressing issues ranging from sexual harassment and workplace diversity to coaching and performance feedback skills.

Michael P. Nagan

Director of Information Services

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Mike Nagan is Information Systems Director for the Executive Services Department of the City of Seattle, with responsibility for mainframe and distributed computing services, telecommunications, cable television, public television, Internet and Intranet services, and application development and maintenance. Previously he headed the City's Contracting Services and Facilities Divisions. He earned bachelor's and master's degrees in economics and political science from the University of Wisconsin.

Tina M. Podlodowski

Seattle City Councilmember

Former Microsoft Executive

Tina Podlodowski was elected to the Seattle City Council in November 1995, winning 65% of the popular vote as a first-time candidate. Tina chairs two Council committees:

Technology & Labor Policy and Neighborhoods & Neighborhood Planning. She is also co-chair of the Labor-Management Leadership Committee, and chair of the Labor Relations Policy Committee.

Tina's activities outside the Council are numerous and diverse. They include being an officer of the local Economic Development Council (EDC), a member of the University of Washington's Advanced Technology Initiative external committee, and a member of the Joint Executive Board of the Private Industry Council. On a national level, Tina is an executive committee member of the Women's Leadership of the Democratic National Committee, Advisory Board member of Women for Health Care, Reform and Equity (WHERE), and co-chair of the International Network of Lesbian and Gay Officials.

Prior to 1992, Tina held a variety of high-tech positions, including East Coast corporate sales manager for Microsoft, and director and general manager of Microsoft University, Microsoft's world-wide training program.

Marilyn F. Sherron

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Marilyn Sherron received her undergraduate degree from the University of Puget Sound and a law degree from Seattle University School of Law in 1980.

Ms. Sherron joined the Seattle Law Department in 1981. She was appointed Director of the Employment Section in 1990 where it is her responsibility to provide legal advice to City policy decision makers regarding employment and personnel matters governing an 11,000 employee work force. Included within the Section's areas of practice are matters relating to employment discrimination, labor relations, collective bargaining, disability accommodation issues and other personnel issues.

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Marilyn Turkovich is a partner in Blakely House Design, Media and Communications. Marilyn has been involved as a trainer, facilitator, designer and writer in thinking and learning, intercultural/international, multicultural, leadership, team building and women's studies projects for more than twenty years. She has written and coauthored sixteen books on cultural subjects and completed three series with Independent Broadcasting Associates for broadcast on National Public Radio, British Broadcasting Company (BBC), and Canadian and Australian broadcasting systems. In addition to her educational design work, Marilyn directs a graduate program in Multicultural and International Education at Columbia College—Chicago. **e-mail essentials** is the fifth series that she has worked on for Quality Media Resources.