

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

**SOFTWARE-BASED INTERNET USAGE MONITORING**

**A. Purpose**

The purpose of the Software-Based Internet Usage Monitoring Policy is to supplement the Court's Personal Use of Court Office Equipment Policy (hereinafter referred to as "Personal Use Policy") and provide guidance and information to employees regarding software-based internet usage monitoring of websites being accessed by employees.

**B. Definitions**

Court - The term "Court" is defined as all employees of the United States District Court, Eastern District of Michigan which includes staff of the Clerk's Office, Probation Department, Pretrial Services Agency, Judicial Chambers, Court Reporters, and Staff Attorneys, unless specifically excluded in the eligibility section of the policy.

**C. Eligibility**

The Software-Based Internet Usage Monitoring Policy applies to all Court employees. The Judicial Branch considers interns as employees, albeit uncompensated ones, therefore any reference in this policy to "employees" shall be deemed to include interns.

**D. Policy**

**1. Internet Monitoring**

- a. Employee use of the Internet and email services provided by the Court is regulated by the Court's Personal Use of Court Office Equipment Policy. It is also subject to active and passive monitoring for security and/or network management reasons. The Court uses independent computer software to monitor websites being accessed by employees. All users are advised in advance that they may be monitored at any time. Monitoring may include the automated creation of records of Internet resources and sites accessed by users as well as supervisors and managers simply visually monitoring employees' computer screens for the types of websites that are being accessed.
- b. If a judicial officer, supervisor, or manager suspects an employee of violating the Personal Use Policy, he or she may submit a written

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

## **SOFTWARE-BASED INTERNET USAGE MONITORING**

request for the Court Administrator to obtain an employee-specific Internet Usage Report.

- c. To remind employees that they are subject to monitoring, a banner appears on screen before the employee enters his or her user name and password. The employee must click on the "OK" button below the banner to proceed to the Court's computer network. All users accessing the Court's system thereby expressly consent to monitoring. If there is a violation of the Court's Personal Use Policy, disciplinary action, potentially including employment termination, may be imposed.

### **2. Blocking/Filtering Software**

The Court's software also may be used to filter inappropriate websites and files, or even to block an employee's access to the Internet entirely. The filtering software identifies the websites and types of files that, based on the Judicial Conference and/or local policy, may not be accessed by employees. The filtering software prevents employees from accessing at least the following types of material and files, and potentially others from time to time:

- *Pornographic material;*
- *Music, sound, and movie files; and*
- *Windows executable programs.*

### **3. Internet Usage Reports**

On a quarterly basis, the Information Technology Department will provide the Court Administrator and the Management Analyst at the Court Administrator's Office electronic access to a generalized (i.e., not employee specific) Internet Usage Report. The Management Analyst will review the report to ensure all employees are complying with the Personal Use Policy. After reviewing and analyzing the report, the Management Analyst will submit findings to the Court Administrator for whatever action may be deemed appropriate under Item D (4), below.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

**SOFTWARE-BASED INTERNET USAGE MONITORING**

**4. Enforcement Process**

**a. Employees of the District Court, Probation Department and Pretrial Services Agency, other than Judicial Officers' Personal Staff**

- i. If an employee-specific Internet Usage Report noted in Section 1 identifies a violation of the Personal Use Policy, the Court Administrator will meet with the employee's supervisor to discuss the extent of Internet abuse. The supervisor will then meet with the employee to discuss and resolve the issue. If the violation is substantial or includes a potential threat to the integrity of the Court's systems, the Court Administrator may immediately limit or revoke the employee's Internet privileges, take any disciplinary action that may be warranted, or both.
- ii. If the affected employee is a case manager or an official court reporter, the Court Administrator will offer to meet with and consult the judicial officer before meeting with the employee. If the employee's Internet privileges have been preemptively limited or revoked, the Court Administrator will immediately notify the judicial officer and report the reasons for the action.

**b. Judicial Officer's Personal Staff (i.e., Judicial Secretaries or Assistants; Career Law Clerks; Term Law Clerks; Judicial Interns)**

- i. If the employee-specific Internet Usage Report as noted in Section D(3) identifies a violation of the Personal Use Policy by a member of a judicial officer's personal staff, the Court Administrator will meet personally with the judicial officer to discuss and resolve the issue.

Please contact the Human Resources Department with any questions (313) 234-5065.