



# Faculty Senate Archives

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Faculty Senate

Academic year 2023-2024

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## Volume XXXVII Documents and Reports

### **Policy 19.19 Prohibited Use of Tik Tok and Similar Applications November 13, 2023**



**WSU POLICY APPROVAL  
COVER PAGE**

<b>DATE POLICY REQUEST TO PET:</b>	[INSERT DATE]
<b>IS THIS A NEW POLICY OR CHANGE TO AN EXISTING POLICY?</b>	<b>NEW</b> <input type="checkbox"/> <b>EXISTING</b> <input checked="" type="checkbox"/>
<b>CURRENT POLICY TITLE:</b>	19.19 / Prohibited Use of TikTok and Similar Applications
<b>REVISED POLICY TITLE:</b>	N/A
<b>LAST REVISED DATE OF POLICY:</b>	N/A
<b>INITIATING AUTHORITY:</b>	Office of General Counsel and Information Security
<b>SUMMARY OF POLICY OR POLICY CHANGE:</b>	
This new policy sets forth the University's prohibitions on the use of TikTok and similar applications provided by ByteDance Limited on the University's network and on any electronic device that is used in the performance of a federal government grant or contract.	
<b>REASON OR NEED FOR POLICY / SUMMARY OF CHANGES MADE TO EXISTING POLICY:</b>	
In June 2023, the federal government issued a new rule, Federal Acquisition Regulation, 48 C.F.R. 52.204–27, which prohibits the presence or use of any application or service developed or provided by ByteDance Limited, including the social networking service TikTok, on any information technology equipment used in the performance of a federal contract. The purpose of this policy is to formalize and further clarify the prohibitions that the University has already put in place to ensure compliance with the new federal rule.	
<b>APPLICABLE LAWS OR REGULATORY OR POLICY AUTHORITY:</b>	
<a href="#">Consolidated Appropriations Act, December 23, 2023, Pub. L. No. 117-328, div. R, §§ 101-02, No TikTok on Government Devices Act</a> <a href="#">FAR 52.204-27 Prohibition on a ByteDance Covered Application</a> <a href="#">FAR 4.2203 Contract clause</a> <a href="#">Memorandum M-23-13, "No TikTok on Government Devices" Implementation Guidance, issued by the Office of Management and Budget on February 27, 2023</a>	
<b>OTHER RELEVANT WSU POLICIES:</b>	
<b>THE FOLLOWING UNIVERSITY STAKEHOLDERS WERE INCLUDED IN THE REVIEW AND APPROVAL OF THIS POLICY DRAFT / REVISION:</b>	
	Office of the General Counsel – Stacia Boden and Misha Jacob-Warren
	Information Security – Mark Rodee
	IDP Information Security – Chris Snyder

	IDP Information Security – Jeff Westeman
	Staff Senate – Jason Bosch (shared) [PENDING]
	Faculty Senate – Jolynn Dowling (shared) [PENDING]
<b>OTHER NOTES FOR CONSIDERATION:</b>	
<b>OWNER OF POLICY REQUEST FOR QUESTIONS:</b>	Office of General Counsel

## 19.19 / PROHIBITED USE OF TIKTOK AND SIMILAR APPLICATIONS

### I. INITIATING AUTHORITY

- A. Information Security and the General Counsel Office serve as the initiating authorities for this policy.

### II. PURPOSE

- A. In June 2023, the federal government issued a new rule, [Federal Acquisition Regulation, 48 C.F.R. 52.204-27](#), that prohibits the presence or use of any application or service developed or provided by ByteDance Limited, including the social networking service TikTok, on any information technology equipment used in the performance of a federal contract. The purpose of this policy is to formalize the University's prohibitions on the use of TikTok to ensure University compliance with federal law.

### III. POLICY

#### A. **Prohibited Use of TikTok on University Network or Covered Electronic Devices Prohibited**

1. No individual, including Employees, Students, contractors, and visitors, shall use or access TikTok on any University network or any University provided Electronic Device, except as otherwise stated in this policy.
2. Any individual, including Employees, Students, and contractors that will perform services under a Covered Contract on behalf of the University shall be prohibited from having, using, or accessing TikTok on any Covered Electronic Device.
3. Leadership shall ensure that anyone performing work under a Covered Contract receives notice of the TikTok prohibitions.

#### B. **Approved Uses and Exceptions**

1. Students, Employees, visitors, and contractors may access TikTok on Personal Electronic Devices (as defined in this policy) through any network or cell-phone service that is not the University's network.
2. Some University locations may be exempted from the prohibition on use or access of TikTok on the University's network upon demonstration that such locations would not otherwise violate the University's federal compliance obligations. Network exemption requests require the approval of the Office of General Counsel, Information Security, and a University Officer.

3. Activities involving law enforcement, national security interests, and security research may be excepted from the prohibitions of this policy upon review and approval of the Office of General Counsel, Information Security, and a University Officer. To the extent that a requested exception involves the use or access of TikTok on a Covered Electronic Device, additional written approval must be obtained from the head of the federal agency (or designee) administering the Covered Contract.
4. All requests for an exception or exemption from the prohibitions of this policy shall be submitted to the Office of General Counsel at: [general.counsel@wichita.edu](mailto:general.counsel@wichita.edu).

**C. Violations**

1. Failure to comply with this policy may result in disciplinary action and/or removal from performing work related to the Covered Contract.

**D. Questions**

1. Questions regarding the application of this policy, including which contracts and individuals are subject to this policy and whether an activity might qualify for an exception, should be directed to the Office of General Counsel at: [general.counsel@wichita.edu](mailto:general.counsel@wichita.edu).

#### **IV. DEFINITIONS**

A. For the purpose of this policy only, the following definitions shall apply:

1. **Controlled Affiliated Organizations:** Wichita State University Intercollegiate Athletic Association, Inc., Wichita State University Union Corporation, Wichita State University Innovation Alliance, Inc., and WSIA Investments Corporation.
2. **Covered Contract:** Any and all contracts with a federal government agency, including federally sponsored awards and grants, that contain a clause prohibiting the use of TikTok pursuant to the Federal Acquisition Regulation, 48 C.F.R. 52.204–27, Prohibition on a Bytedance Covered Application; the No TikTok on Government Devices Act, Section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328); and the Memorandum M-23-13, “No TikTok on Government Devices” Implementation Guidance, issued by the Office of Management and Budget on February 27, 2023.
3. **Covered Electronic Device:** Any Electronic Device that is used in the performance of a Covered Contract.

4. **Electronic Device:** Any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including cellular phones, tablets, computers, laptops, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources.
5. **Employee:** An individual who provides services to the University on a regular basis in exchange for compensation and receives a W-2 for such services. This includes temporary and part-time Employees.
6. **Leadership:** University Department Chairs, Directors, Deans or any other individual designated by the University with authority to supervise an Employee.
7. **Personal Electronic Device:** A non-University provided Electronic Device that is not a Covered Electronic Device.
8. **Student:** Any individual who has been notified of admission to the University; is enrolled in, auditing, or participating in any University course or program; or has a continuing relationship with the University. An individual is considered a Student until they notify the University they are no longer a Student or the University informs them that they are no longer a Student. An individual who has been suspended is still considered a Student during the suspension period.
9. **TikTok:** The TikTok social networking service and any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.
10. **University:** Wichita State University and Controlled Affiliated Organizations.
11. **University Officers:** The President, Executive Vice President, Senior Vice President, Vice Presidents, and General Counsel.

## V. APPLICABLE LAWS AND ADDITIONAL RESOURCES

- A. [Consolidated Appropriations Act, December 23, 2023, Pub. L. No. 117-328, div. R, §§ 101-02, No TikTok on Government Devices Act](#)

- B. [Federal Acquisition Regulation, 48 C.F.R. 52.204–27, Prohibition by a ByteDance Covered Application](#)
- C. [Federal Acquisition Regulation, 48 C.F.R. 4.2203, Contract clause](#)
- D. [Memorandum M-23-13, “No TikTok on Government Devices” Implementation Guidance, issued by the Office of Management and Budget on February 27, 2023](#)

**VI. REVISION DATES**

- A. [INSERT PET APPROVAL DATE]