

# UNIVERSITY POLICY FOR FINANCIAL AFFAIRS

## Policy No. UPFA-3

### PROGRAM FOR THE DISPOSITION OF SURPLUS COMPUTERS

#### 1. General Information

- 1.1. Scope: Policy regarding the sale, transfer, disposal and donation of obsolete or unusable computers and computer-related equipment.
- 1.2. Authority: W. Va. Code §18B-1-6, 18B-3-2
- 1.3. Passage Date: September 12, 2019
- 1.4. Effective Date: October 15, 2019
- 1.5. Controlling over: Marshall University
- 1.6. History: This policy amends Marshall University Board of Governors Policy IT-4 (effective March 8, 2006)
  - 1.6.1. The passage of Senate Bill 603 during the 2005 session, states the Governing Boards of West Virginia University and Marshall University are authorized to create a program to donate surplus computers and computer-related equipment to education facilities, nonprofit organizations, juvenile detention centers, municipal and county public safety offices and other public, charitable or educational enterprises or organizations in this state. MU and WVU are to adopt rules regarding a computer equipment donation program.
  - 1.6.2. Computer equipment or electronic equipment with printed circuit boards contains heavy metals, environmental toxins, and other hazardous materials. The proper disposal of this equipment is essential to avoid liability and to be an environmentally responsible corporate citizen. In addition, computer hard disks may contain personal, confidential, and legally protected information that is still readable even when the files have been erased or the hard drive reformatted. This process also ensures compliance with software license agreements. Failure to destroy this information could lead to unauthorized access, identity theft, and liability to Marshall University.
  - 1.6.3. Statutory References: 42 U.S.C. S/S6901 et seq. (1976), W. Va. Code § 4-10-6a, 11A-3-59, 12-4B-2, 18B-3-2, 18B-5-7

## **2. Policy**

**2.1.** The University shall dispose of surplus computer and computer-related equipment using one of the following methods:

### **2.1.1. Transfer to another Agency**

**2.1.1.1.** Computers in whole or in part, may transfer, exchange or trade the same to other governmental agencies or institutions (if by transfer, exchange or trade, then without advertising), as sound business practices may warrant under existing circumstances and conditions.

**2.1.1.2.** All agencies must adhere to the appropriate environmental disposal procedures.

### **2.1.1.3. Sale**

**2.1.1.4.** Computers in whole or in part, will be listed for sale in a public auction or by sealed bid as sound business practices may warrant under existing circumstances and conditions.

**2.1.1.5.** At least ten days prior to the disposition, the MU Procurement Office shall advertise in the county in which the equipment, supplies and materials are located, by newspaper publication as a Class II legal advertisement and in compliance with the provisions of W. Va. Code § 11A-3-59. The advertisement will provide the sales or bid information on the computers, supplies, and materials.

**2.1.1.6.** Computers, supplies and materials, in whole or in part, will be listed for public auction or by sealed bid. Computers, supplies and materials, in whole or in part may be transferred, exchanged or traded the same to other governmental agencies or institutions (if by transfer, exchange or trade, then without advertising), in whole or in part, as sound business practices may warrant under existing circumstances and conditions.

### **2.1.2. Surplus**

**2.1.2.1.** Marshall University may elect to transfer surplus University-owned computers, faxes, copy machines, cell phones, and other electronic equipment with printed circuit boards to the University's selected and approved vendor when the State Surplus office no longer will accept these devices.

### **2.1.3. Donation**

**2.1.3.1.** Only equipment which otherwise would be transferred to the Surplus Property Unit of the Purchasing Division may be donated.

**2.1.3.2.** Only non-profit agencies such as education facilities, nonprofit organizations, juvenile detention centers, municipal and county public safety offices and other public, charitable, or educational enterprises or organizations in West Virginia are eligible for the donation.

**2.1.3.3.** Non-profit agencies must provide proof of non-profit status upon request.

**2.1.3.4.** Agency selection will be on a first come, first serve basis.

#### **2.1.4. Recycling/Redistribution/Disposal**

**2.1.4.1.** The Division of Information Technology will have sole responsibility for assessing the condition of the equipment and determining the best means of disposal or redistribution.

**2.1.4.2.** Surplus computer equipment may be redistributed as needed within the University prior to disposal and recycling.

**2.1.4.3.** Surplus and obsolete computer equipment can be recycled through vendor programs that certify proper disposal and recycling of raw materials used in the manufacturing of equipment.

### **3. Data Security**

**3.1.** For security purposes, all computers or computer-related equipment declared for disposal that contain persistence storage devices such as hard drives, flash memory, SD RAM, magneto optical, etc. shall be erased clean to at least DOD Level 3 or shall be destroyed by magnetic degaussing.

### **4. Record Keeping and Reporting**

**4.1.** All agencies, businesses, or individuals that accept this property must complete and sign a release form that releases Marshall University from any liability and states that they take responsibility for the appropriate disposal of such devices in an environmentally friendly manner.

**4.2.** The form for Transferring to Another Agency, Sale, Surplus, or Donation of University-owned computer equipment and peripherals as pointed out in sections 2.1.1, 2.1.2, 2.1.3 and 2.1.4 above is at the bottom of this policy and also can be found on the MU Information Technology Council web page at <http://www.marshall.edu/it/itc>

- 4.3. Records and accounts of disposed computer and computer-related equipment will be maintained in the Marshall University Division of Information Technology and will clearly identify the equipment donated, the age of the equipment, the reasons for declaring it obsolete and the name of the education facility, nonprofit organization, juvenile detention center, municipal or county public safety office or other public, charitable or educational enterprise or organization to which the equipment was donated.
- 4.4. Records will be kept to identify equipment recipients and any selection criteria used to assure any donated equipment was distributed in a fair and impartial manner.
- 4.5. The Marshall University Procurement Office shall report sales of surplus equipment as required in W. Va. Code § 18B-5-7.

**GENERAL RELEASE AND LIABILITY AGREEMENT  
FOR THE DONATION OR SALE OF SURPLUS COMPUTER EQUIPMENT**

**MARSHALL UNIVERSITY**

This General Release and Liability Agreement ("Agreement") is made and entered into as of the date indicated below, by and between \_\_\_\_\_ and Marshall University (Marshall), its agents and assigns.

WHEREAS, \_\_\_\_\_ ("Agency") is an education facility, nonprofit organization, juvenile detention center, municipal or county public safety office or other public, charitable or educational enterprise or organization in the State of West Virginia.

WHEREAS, on \_\_\_\_\_, \_\_\_\_\_ ("Agency") releases Marshall of any liability and adheres to the guidelines of the Marshall University Board of Governors Policy IT-4 Program for the Disposition of Surplus Computers and FA-5 Disposition of Surplus Property.

WHEREAS, Marshall has confirmed the computer equipment or electronic equipment listed in this agreement has been properly purged of all data contents in a method that adheres to Department of Defense cleaning and sanitizing standards.

WHEREAS, computer equipment or electronic equipment with printed circuit boards contains heavy metals, environmental toxins, and other hazardous materials. The \_\_\_\_\_ ("Agency") agrees that the proper disposal of this equipment is essential to avoid liability and to be an environmentally responsible citizen.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Agency

\_\_\_\_\_

Marshall University


