

Policy 4040: Employee Use Of Technology**McCabe Union Elementary School
District****Original Adopted Date:** 06/27/2017**Status:** ADOPTED

The Board of Trustees recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Reference

| State Reference | Description |
|---------------------|---|
| Gov. Code 3543.1 | <u>Rights of employee organizations</u> |
| Gov. Code 6250-6270 | <u>California Public Records Act</u> |
| Pen. Code 502 | <u>Computer Crimes, remedies</u> |
| Pen. Code 632 | <u>Eavesdropping on or recording confidential communications</u> |
| Veh. Code 23123 | <u>Wireless telephones in vehicles</u> |
| Veh. Code 23123.5 | <u>Mobile communication devices; text messaging while driving</u> |
| Veh. Code 23125 | <u>Wireless telephones in school buses</u> |

Federal Reference

| Federal Reference | Description |
|-------------------|--|
| 20 USC 7101-7122 | <u>Student Support and Academic Enrichment Grants</u> |
| 20 USC 7131 | <u>Internet Safety</u> |
| 47 CFR 54.520 | <u>Internet safety policy and technology protection measures, E-rate discounts</u> |

Management Resources Reference

| Management Resources Reference | Description |
|--------------------------------|--|
| Court Decision | <u>City of San Jose v. Superior Court (2017) 2 Cal.5th 608</u> |
| Court Decision | <u>City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332</u> |
| Website | <u>American Library Association</u> |
| Website | <u>CSBA</u> |
| Website | <u>California Department of Education</u> |
| Website | <u>U.S. Department of Education</u> |
| Website | <u>Federal Communications Commission</u> |

Policy Reference

| Policy Reference | Description |
|------------------|--|
| 0410 | <u>Nondiscrimination In District Programs And Activities</u> |
| 0440 | <u>District Technology Plan</u> |
| 1100 | <u>Communication With The Public</u> |

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|---------|--|
| 1113 | <u>District And School Web Sites</u> |
| 1340 | <u>Access To District Records</u> |
| 2121 | <u>Superintendent's Contract</u> |
| 3580 | <u>District Records</u> |
| 4113.5 | <u>Working Remotely</u> |
| 4118 | <u>Dismissal/Suspension/Disciplinary Action</u> |
| 4119.1 | <u>Civil And Legal Rights</u> |
| 4119.11 | <u>Sexual Harassment</u> |
| 4119.21 | <u>Professional Standards</u> |
| 4119.23 | <u>Unauthorized Release Of Confidential/Privileged Information</u> |
| 4119.25 | <u>Political Activities Of Employees</u> |
| 4131 | <u>Staff Development</u> |
| 4132 | <u>Publication Or Creation Of Materials</u> |
| 4136 | <u>Nonschool Employment</u> |
| 4213.5 | <u>Working Remotely</u> |
| 4218 | <u>Dismissal/Suspension/Disciplinary Action</u> |
| 4219.1 | <u>Civil And Legal Rights</u> |
| 4219.11 | <u>Sexual Harassment</u> |
| 4219.21 | <u>Professional Standards</u> |
| 4219.23 | <u>Unauthorized Release Of Confidential/Privileged Information</u> |
| 4219.25 | <u>Political Activities Of Employees</u> |
| 4231 | <u>Staff Development</u> |
| 4232 | <u>Publication or Creation of Materials</u> |
| 4236 | <u>Nonschool Employment</u> |
| 4313.5 | <u>Working Remotely</u> |
| 4319.1 | <u>Civil And Legal Rights</u> |
| 4319.11 | <u>Sexual Harassment</u> |
| 4319.21 | <u>Professional Standards</u> |
| 4319.23 | <u>Unauthorized Release Of Confidential/Privileged Information</u> |
| 4319.25 | <u>Political Activities Of Employees</u> |
| 4331 | <u>Staff Development</u> |
| 4332 | <u>Publication or Creation of Materials</u> |
| 4336 | <u>Nonschool Employment</u> |
| 5125 | <u>Student Records</u> |
| 5125.1 | <u>Release Of Directory Information</u> |

6162.6

Use Of Copyrighted Materials

6163.4

Student Use Of Technology

ACCEPTABLE USE AGREEMENT

AND RELEASE OF DISTRICT FROM LIABILITY (EMPLOYEES)

The McCabe Union Elementary School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Employee Obligations and Responsibilities

Employees are expected to use district technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

Privacy

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If an employee uses a personally owned device to access district technology or conduct district business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Records

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District

Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

Reporting

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

Employee Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Name: _____ Position: _____

(Please print)

School/Work Site: _____

Signature: _____ Date: _____