

# TULARE COUNTY OFFICE OF EDUCATION

## Superintendent Policy

### SP 4040

#### Personnel - All Personnel

#### Employee Use of Technology

The County Superintendent recognizes that technological resources can 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 the county office's operations and improving access to and exchange of information. The County Superintendent 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 appropriate use of technology and shall use the county office's technological resources primarily for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees should be notified that computer files and electronic communications including e-mail and voicemail, are not private. Technological resources shall not be used to transmit confidential information about students, employees or county office operations without authority.

The County Superintendent or designee shall ensure that all county office computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene and/or child pornography, and that the operation of such measures is enforced. The County 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)

To ensure the proper use the County Superintendent or designee may monitor employee usage of county office technological resources, including the accessing of e-mail and voice mail systems and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the County Superintendent or designee so that he/she may have system access.

The County Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of county office technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Superintendent policy and administrative regulations.

The County Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the county office's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the county office's Acceptable Use Agreement.

In the event that the use of an electronic resource affects the working conditions of one or more employees, the County Superintendent or designee shall notify the employees' exclusive representative.

### **Use of Cellular Phone or Mobile Communications Devices**

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Employees are required to comply with all state and local laws regarding the use of wireless phones while driving, specifically all employees must use a hands-free device while driving. Whenever possible, employees should not make or receive telephone calls while driving. Employees should let incoming calls go to their voicemail and then find a safe place to pull over and park before initiating a call. Under no circumstance should employees use wireless phones during adverse weather or difficult traffic conditions. This employer takes its phone use policy seriously.

Any employee that uses a cell phone or mobile communications device in violation of law, Superintendent policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

*Legal Reference:*

EDUCATION CODE

51870-51874 – Education Technology

52270-52272 – Education technology and professional development grants

52295-10-52295.55 – Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 – Rights of employee organizations

PENAL CODE

502 – Computer crimes, remedies

632 – Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 – Wireless telephones in vehicles

23125 – Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 – Education Through Technology Act, No Child Left Behind Act, Title II, Part D, especially

6777 – Internet Safety

UNITED STATES CODE, TITLE 47

254 – Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 – Internet safety policy and technology protection measures, E-rate discounts

*Management Resources, see next page*

*Management Resources:*

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

California Department of Education: <http://www.cde.ca.gov>

American Library Association: <http://www.ala.org>

Policy Adopted: 5/1/00

Revised: 8/6/07

5/6/08

Office of the Tulare County

Superintendent of Schools

Visalia, CA

# TULARE COUNTY OFFICE OF EDUCATION

## **Administrative Regulation**

### **AR 4040**

#### **Personnel - All Personnel**

#### **Employee Use of Technology**

The County Superintendent or designee may establish guidelines and limits on the use of technological resources. He/she shall ensure that all employees using these resources receive training in their proper use as well as copies of related county office regulations. Prior to use of some technological resources, employees will be required to sign an Acceptable Use Agreement.

#### **No Right to Privacy**

The county office requires that the use of its computers and other technological resources comply with Superintendent Policies and Administrative Regulations. Computer programs and files are confidential property of the county office unless they have explicitly been made available to other authorized individuals. Additionally, the county office reserves the right to access at the request of the County Superintendent, or designee, any and all information stored on the county office computers, or other technological resources, without advance notice or consent. As such, employees shall have no expectation of privacy in property belonging to the county office, including computers and other technological resources, and understand that the county office has the right to monitor and examine to ensure proper use of its technological resources.

This regulation shall not limit the county office's, or its designee's, ability to conduct reasonable searches of an employee's workplace for non-investigatory, work-related purposes, investigations of work-related misconduct, or otherwise as provided or permitted by law.

#### **Computer Use**

Employees shall use the Internet during work time only for purposes related to their employment and for professional news and educational purposes. It is understood that employees will need some time to learn to use the system, and some exploration and practice is necessary to become responsible and accomplished Internet users. Employees may access the county office Internet system for learning and practice of Internet skills and for incidental personal use outside of working time.

E-mail should be used primarily for county office-related purposes. Minimal personal use that is in accordance with this policy for Internet use will be permitted during breaks, lunchtime or before or after normal work hours subject to the employee's supervisors' approval.

Work assigned email addresses shall be used exclusively for work related items. Work assigned email accounts may be discovered for any potential litigation. Conversely, personal email addresses are not to be used for work related items. By doing so can expose the employee's personal email account for legal discovery.

The county computers may not be used for any commercial or political purpose, or for any purpose that conflicts with the goals or policies of the county office or for illegal or unethical purposes. As noted above, the county office reserves the right to monitor any county office computer for improper use.

Misuse of computing, networking or information resources may result in the loss of computing and/or network access, and disciplinary action, up to and including termination. Additionally, misuse can be prosecuted under applicable statutes. Illegal production of software and other intellectual property protected by U.S Copyright law is subject to civil damages and criminal punishment including fines and imprisonment.

### **Technological Resources – Internet Definition and Usage Risks**

The Internet is one technological resource that employees may access to assist them with their job duties. The following are some items that define what the Internet is today:

1. A public meeting place.
2. Communications medium (voice/real-time audio and video, electronic mail).
3. Virtual field trips (visits to far away places).
4. Market place
5. Entertainment
6. Information resource (library, art gallery, product support).

As technology changes so does the Internet. What it looks like today, is not necessarily what it will look like tomorrow.

There are some risks involved when employees are allowed to access the Internet. Known risks are as follows.

1. Visits to a site that contains adult/pornographic information.
2. Visit to an art gallery or other site where offensive video, audio, images or text is presented, e.g. nude paintings, violent photos, violence philosophies, etc.
3. Contact with undesirable persons.
4. Providing personal or county office information online that can be compromised and used for illegal purposes.

### **Internet Use – Employee Obligations and Responsibilities**

Employees must sign an Internet Use – Employee User Agreement in order to have access to the Internet. This access may not be used for any purpose which conflict with the goals or policies of the county office or for illegal or unethical purposes.

Personal use of the Internet or “surfing” shall be kept to a minimum, shall not interfere with assigned duties, and can be prohibited by an individual’s supervisor if the situation warrants. Employees may be held liable for their actions on the Internet.

Employees are authorized to use the Internet in accordance with user obligations and responsibilities specified below:

1. The employee in whose name an Internet account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home address and telephone numbers private. They shall use the system only their own account number.
2. Employees shall use the Internet only for purposes related to their employment. Commercial, political and/or illegal use of the county office's system is strictly prohibited. The county office reserves the right to monitor any on-line communications for improper use.
3. Users are expected to keep messages brief and use appropriate language.
4. Users shall report any security problem, misuse of the network or other violations to the administrator, program manager, or department supervisor.
5. Users will abide by system security usage guidelines as set forth by county office authorities.
6. Employees supervising students' use of the Internet are expected to enforce the county office regulations governing such use.
7. Upon termination of employment, the employee's access to the office's network will cease and all files shall remain the property of the county office. Vandalism to county office computer equipment or to any electronic files/communications, will result in the cancellation of user privileges and disciplinary action, up to and including termination. Incidents of vandalism will be reported to law enforcement.
8. Employees shall not develop any classroom or work-related websites, blogs, forums, or similar online communications representing the county office or using county office equipment or resources without permission of the County Superintendent or designee. Such sites shall be subject to rules and guidelines established for county office online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the county office is not responsible for the content of the messages. The county office retains the right to delete materials on any such online communications.

### **Unacceptable Uses:**

1. Any illegal use of county systems, or use in support of illegal activities is prohibited. Illegal use shall be defined as use that violates local, State and/or federal law. This includes, but is not limited to, the following: Stalking others, transmitting or originating any unlawful, fraudulent or defamatory communications, transmitting copyrighted material beyond the scope of fair use without permission of the copyright owner, or any communications where the message or its transmission of distribution would constitute or would encourage conduct that is a criminal offense.
2. Activities that interfere with or disrupt network users, services, or equipment. Such interference or disruption includes, but is not limited to, distribution of unsolicited advertising or mass mailings; "spamming"; propagation of computer worms or viruses; and using county systems to make or attempt to make unauthorized entry to other computational, informational, or communications devices or resources. For purposes of this policy, "unsolicited advertising" includes any transmission that describes goods, products or services that is initiated by a vendor, provider, retailer, or manufacturer of the described goods, products or services, or by a third party retained by, affiliated with, or related to the vendor, providers, retailers, or manufacturer.
3. Use in furtherance of profit-making activities (consulting for pay, sales or distribution of commercial products or services for profit, etc.) or use by for-profit companies, unless specifically authorized by the County Superintendent of Schools.
4. Use in support of partisan political activities.
5. Use for private or personal activities that exceed county school's related research, instruction, or administrative applications, or when there is personal monetary gain.

6. Visiting pornographic, racist or otherwise objectionable Web sites.
7. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy county office equipment or materials or the data of any other user, including so-called "hacking".
8. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other user's mail.
9. Users shall not access, post, submit, publish, display, or transmit inappropriate material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.
10. Users shall not install unlicensed software on a machine owned by the Office other than for test/development purposes as authorized by the Director, Information Systems.
11. Users shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or activity prohibited by law or county office policy.
12. Any other use that is unacceptable or not in keeping with role, mission or goals of the county office as determined by the County Superintendent of Schools.

### **Rules of Internet Etiquette – "Netiquette"**

1. **Be Polite.** Never send, or encourage other to send, abusive messages.
2. **Use Appropriate Language.** Users represent the county office on a publicly accessible system. What users say and do can be viewed globally! Never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.
3. **Privacy.** A user should never reveal his/her own telephone number and address. To do so can result in unwanted intrusions of privacy and should be viewed in the same light as a public listing in a telephone directory. Users shall have no expectation of privacy and understand that the county office has the right to monitor and examine all system activities to ensure proper use of the system.
4. **Electronic Mail.** As with any form of communication, users must be sensitive to the information being communicated via e-mail, and the relative security of this form of communication. Users should also be aware that e-mail creates a written record which may be discoverable in litigation. Accordingly, employees should not use e-mail for internal discussions of matters which may hold a high degree of confidentiality, such as student or personnel matters. Messages relating to, or in support of illegal or unethical activities must be reported to the county office. The county office provides the e-mail system and Internet for County Business. Personal use is permitted so long as that use is appropriate, does not violate any other county policies, and is acceptable for the individual employee's supervisor. The following practices are specifically prohibited:
  - a. Sending or relaying chain letters.
  - b. Using the system to advertise for a private business, or non-profit group. Employees will not use private e-mail addresses to send advertisements or unsolicited material to other county employees at the receiving employee's county e-mail address.
  - c. Sending unsolicited jokes, images or similar material.
  - d. Using work assigned email addresses for personal use.
  - e. Sending sensitive work materials without encryption.

Staff should be aware that all Internet and e-mail use leaves a record which can be tracked, and such use is (or can be) monitored by the office Information Systems division. Since we are a government office, users should also consider e-mail sent within the office system or through the Internet to be public records accessible by members of the public.

**5. Recommended Practices**

- a. Use accurate and descriptive titles for articles and subject lines for e-mail. Tell people what it is about before they read it.
- b. Get the most appropriate audience for a message, not the widest. Avoid posting and bulk mailing of large messages.
- c. When posting to multiple groups, specify all groups in a single message.
- d. Be brief. Few people will bother to read a long message.
- e. Minimize spelling errors and make sure the message is easy to understand and read.
- f. Forgive the spelling and grammatical errors of others.
- g. Remember that humor and satire is very often misinterpreted.
- h. A user should post only to groups he/she knows.
- i. Cite references for any facts presented.
- j. Keep signatures brief.
- k. Remember that all network users are human beings. Do not “attack” correspondents; persuade them with facts.

**Penalty for Inappropriate Use**

Employees who fail to abide by these obligations and responsibilities shall be subject to disciplinary action, including dismissal, revocation of the right to use technological resources, and legal action as appropriate.

Regulation Approved: 5/1/00  
Revised: 5/6/08  
2/7/13

Office of the Tulare County  
Superintendent of Schools  
Visalia, CA

**TULARE COUNTY  
OFFICE OF EDUCATION**

**Exhibit**

**E 4040**

**Personnel - All Personnel**

**INTERNET USE  
ACCEPTABLE USE AGREEMENT**

Employee Name: \_\_\_\_\_

I understand that the Tulare County Office of Education will provide me access to the Internet for school business purposes only. This access is a privilege, not a right. I understand the consequences for failing to adhere to the Tulare County Office of Education's regulations regarding Internet use.

I have read, understand and will abide by Administrative Regulation 4040, Employee Use of Technology.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Adopted: 5/1/00  
Revised: 5/6/08

Tulare County Office of Education  
Visalia, CA