

EMPLOYEE USE OF TECHNOLOGY

The County Board of Education 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 County Office of Education (COE) and school operations; and improving access to and exchange of information. The County 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.

(cf. 0440 - District Technology Plan)
(cf. 1100 - Communication with the Public)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

COE technology includes, but is not limited to, computers, the COE'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 COE-owned or personally owned equipment or devices.

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

EMPLOYEE USE OF TECHNOLOGY (continued)

Employees shall not use COE 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, County 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 County 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 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)

The County 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 COE, 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 County 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 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 County Superintendent or designee.

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

EMPLOYEE USE OF TECHNOLOGY (continued)

Legal Reference:

EDUCATION CODE

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*

23123.5 *Mobile communication devices; text messaging while driving*

23125 *Wireless telephones in school buses*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology 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*

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:

WEB SITES

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

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

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

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

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

EMPLOYEE USE OF TECHNOLOGY

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use SLOCOE equipment to access the Internet or other online services in accordance with COE policy, the COE's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter 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, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, COE policy, or administrative regulations.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the County Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.
8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment

EMPLOYEE USE OF TECHNOLOGY (continued)

or resources without permission of the County Superintendent or designee. Such sites shall be subject to rules and guidelines established for COE 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 district is not responsible for the content of the messages. The COE retains the right to delete material on any such online communications.

(cf. 1113 - District and School Web Sites)

9. Users shall report any security problem or misuse of the services to the County Superintendent or designee.

EMPLOYEE USE OF TECHNOLOGY

ACCEPTABLE USE AGREEMENT AND RELEASE OF SLOCOE FROM LIABILITY (EMPLOYEES)

The San Luis Obispo County Office of Education authorizes employees to use technology owned or otherwise provided by the as necessary to fulfill the requirements of their position. The use of technology is a privilege permitted at the COE's discretion and is subject to the conditions and restrictions set forth in applicable COE policies, administrative regulations, and this Acceptable Use Agreement. The COE reserves the right to suspend access at any time, without notice, for any reason.

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

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

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

Definitions

COE 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 COE-owned or personally owned equipment or devices.

Employee Obligations and Responsibilities

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

EMPLOYEE USE OF TECHNOLOGY (continued)

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 COE technology for improper purposes, including, but not limited to, use of COE 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 COE, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the County Superintendent or designee
4. Engage in unlawful use of COE technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm COE technology or other COE operations (such as destroying COE equipment, placing a virus on COE 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 SLOCOE policy, administrative regulation, or practice

Privacy

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

SLOCOE reserves the right to monitor and record all use of COE technology, including, but not limited to, access to the Internet or social media, communications sent or received from COE technology, or other uses within the jurisdiction of the COE. 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 COE technology (such as web searches or emails) cannot be erased or deleted.

EMPLOYEE USE OF TECHNOLOGY (continued)

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

Personally Owned Devices

If an employee uses a personally owned device to access COE technology or conduct COE business, he/she shall abide by all applicable COE 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 applicable COE policies and regulations addressing the retention of COE 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 COE technology, he/she shall immediately report such information to the County Superintendent or designee.

Consequences for Violation

Violations of the law, COE 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, COE 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 COE technology. I understand that there is no expectation of privacy when using COE technology or when my personal electronic devices use COE 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 COE and its personnel from any and all claims and damages arising from my use of COE technology or from the failure of any technology protection measures employed by the COE.

EMPLOYEE USE OF TECHNOLOGY (continued)

Name: _____ Position: _____
(Please print)

School/Work Site: _____

Signature: _____ Date: _____