

## **Electronic Communications System**

### **Definitions**

1. “Technology protection measure,” as defined by the Children’s Internet Protection Act (CIPA) means a specific technology that blocks or filters Internet access to visual depictions that are:
  - a. Obscene, as that term is defined in Section 1460 of Title 18, United States Code;
  - b. Child pornography, as that term is defined in Section 2256 of Title 18, United States Code; or
  - c. Harmful to minors.
  
2. “Harmful to minors” as defined by CIPA means any picture, image, graphic image file or other visual depiction that:
  - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  - c. Taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
  
3. “Sexual act; sexual contact” as defined by CIPA have the meanings given such terms in Section 2246 of Title 18, United States Code.
  
4. “Minor” as defined by CIPA means an individual who has not attained the age of 17. For the purposes of Board policy and this administrative regulation, minor will include all students enrolled in district schools.
  
5. “Inappropriate matter” as defined by CESD means material that is inconsistent with general public education purposes, CESD’s mission and goals.<sup>1</sup>

### **General CESD Responsibilities**

CESD will:

1. Designate staff as necessary to ensure coordination and maintenance of CESD’s electronic communications system which includes all CESD computers, e-mail and Internet access;

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<sup>1</sup>As inappropriate matter is not defined in the CIPA or regulations, ESDs should define the scope of what it will regard as inappropriate matter. The language provided in #5. is intended as a guide only.

2. Provide staff training in the appropriate use of CESD's system including copies of CESD policy and administrative regulations. Staff will provide similar training to authorized system users;
3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of CESD's system;
4. Use only properly licensed software, audio or video media purchased by CESD or approved for use by CESD. CESD will comply with the requirements of law regarding the use, reproduction and distribution of copyrighted works and with applicable provisions of use or license agreements;
5. Provide technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or with respect to the use of computers by minors, harmful to minors. A supervisor may request that the technology protection measures be disabled to allow access for bona fide research or other lawful purposes, as deemed appropriate;
6. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;
7. Provide staff supervision to monitor the online activities of students to prevent unauthorized access, including "hacking" and other unlawful activities online, and ensure the safety and security of minors when authorized to use e-mail, chat rooms and other forms of direct electronic communication;
8. Determine which users and sites accessible as part of CESD's system are most applicable to the curricular needs of CESD and may restrict user access, accordingly;
9. Determine which users will be provided access to CESD's e-mail system;
10. Notify appropriate system users that:
  - a. CESD retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in CESD's information system are CESD's property and are to be used for authorized purposes only. Use of CESD equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use CESD's system are in compliance with Board policy, administrative regulations and law, the school administrators may routinely review user files and communications;
  - b. Files and other information, including e-mail, sent or received, generated or stored on CESD servers are not private and may be subject to monitoring. By using CESD's system, individuals consent to have that use monitored by authorized CESD personnel. CESD reserves the right to access and disclose, as appropriate, all information and data contained on CESD computers and CESD-owned e-mail system;
  - c. CESD may establish a retention schedule for the removal of e-mail;
  - d. E-mail sent or received by a Board member or employee in connection with the transaction of public business may be a public record and subject to state archivist rules for retention and destruction;

- e. Information and data entered or stored on CESD's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against CESD. "Deleted" or "purged" data from CESD computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by CESD;
  - f. CESD may set quotas for system disk usage. CESD may allow system users to increase their quota by submitting a written request to their supervisor or system coordinator stating the need for the increase;
  - g. Passwords used on CESD's system are the property of CESD and must be provided to their supervisor or designated CESD personnel, as appropriate. Passwords that have not been provided to CESD are prohibited;
  - h. Transmission of any materials regarding political campaigns is prohibited.
11. Ensure all student, staff and nonschool system users complete and sign an agreement to abide by CESD's electronic communications policy and administrative regulations. All such agreements will be maintained on file in CESD offices.
12. Notify users of known copyright infringing activities and deny access to or remove the material.

### **System Access**

1. Access to CESD's system is authorized to:

Board members, CESD employees, students with parent approval and when under the direct supervision of staff, and CESD volunteers, ESD contractors or other members of the public as authorized by the system coordinator or CESD administrators consistent with CESD's policy governing use of CESD equipment and materials.

2. Students, staff and Board members may be permitted to use CESD's system to conduct business related to the management or instructional needs of CESD or to conduct research related to education. Personal use of CESD computers including Internet and e-mail access by students and Board members is strictly prohibited. Personal use of CESD computers including Internet access and e-mail by staff is restricted. Any personal use by staff is limited to such uses as deemed permissible under the Oregon Government Standards and Practices Commission (GSPC) guidance (e.g., occasional use to type a social letter to a friend or family member, preparation of application materials for another position in CESD, or computer games which may serve to improve the individual's keyboard proficiency and software component familiarity). Such use is restricted to the employee's own time.

## General Use Prohibitions/Guidelines/Etiquette

Operation of CESD's system relies upon the proper conduct and appropriate use by system users. Students, staff and others granted system access are responsible for adhering to the following prohibitions and guidelines which require legal, ethical and efficient utilization of CESD's system.

### 1. Prohibitions

The following conduct is strictly prohibited:

- a. Attempts to use CESD's system for:
  - (1) Unauthorized solicitation of funds;
  - (2) Distribution of chain letters;
  - (3) Unauthorized sale or purchase of merchandise and services;
  - (4) Collection of signatures;
  - (5) Membership drives;
  - (6) Transmission of any materials regarding political campaigns.
- b. Attempts to upload, download, use, reproduce or distribute information, data, software, or file share music, videos or other materials on CESD's system in violation of copyright law or applicable provisions of use or license agreements;
- c. Attempts to degrade, disrupt or vandalize CESD's equipment, software, materials or data or those of any other user of CESD's system or any of the agencies or other networks connected to CESD's system;
- d. Attempts to evade, change or exceed resource quotas or disk usage quotas;
- e. Attempts to send, intentionally access or download any text file or picture or engage in any communication that includes material which may be interpreted as:
  - (1) Harmful to minors;
  - (2) Obscene or child pornography as defined by law or indecent, vulgar, profane or lewd as determined by CESD;
  - (3) A product or service not permitted to minors by law;
  - (4) Harassment, intimidation, menacing, threatening or constitutes insulting or fighting words, the very expression of which injures or harasses others;
  - (5) A likelihood that, either because of its content or the manner of distribution, it will cause a material or substantial disruption of the proper and orderly operation of CESD or CESD activity;
  - (6) Defamatory, libelous, reckless or maliciously false, potentially giving rise to civil liability, constituting or promoting discrimination, a criminal offense or otherwise violates any law, rule, regulation, Board policy and/or administrative regulation.
- f. Attempts to gain unauthorized access to any service via CESD's system which has a cost involved or attempts to incur other types of costs without specific approval. The user accessing such services will be responsible for these costs;
- g. Attempts to post or publish personal student contact information unless authorized by the system coordinator teacher and consistent with applicable Board policy pertaining to student

- directory information and personally identifiable information. Personal contact information includes photograph, age, home, school, work or e-mail addresses or phone numbers or other unauthorized disclosure, use and dissemination of personal information regarding students;
- h. Attempts to arrange student meetings with anyone on CESD's system, unless authorized by the system coordinator teacher and with prior parent approval;
  - i. Attempts to use CESD's name in external communication forums such as chat rooms without prior CESD authorization;
  - j. Attempts to use another individual's account name or password, failure to provide CESD with individual passwords or to access restricted information, resources or networks to which the user has not been given access.

## 2. Guidelines/Etiquette

Appropriate system use etiquette is expected of all users.

## Complaints

Complaints regarding use of CESD's Electronic Communications System may be made to the teacher, principal, employee's supervisor or system coordinator. CESD's established complaint procedure will be used for complaints concerning violations of CESD's Electronic Communications System policy and/or administrative regulation. See Board policy KL and accompanying administrative regulation.

## Violations/Consequences

### 1. Staff

- a. Staff who violate general system user prohibitions shall be subject to discipline up to and including dismissal in accordance with Board policy, collective bargaining agreements and applicable provisions of law.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Violations of applicable Teacher Standards and Practices Commission (TSPC), Standards for Competent and Ethical Performance of Oregon Educators will be reported to TSPC as provided by OAR 584-020-0041.
- d. Violations of ORS 244.040 will be reported to GSPC.

### 2. Students

- a. Students who violate general system user prohibitions shall be subject to discipline up to and including expulsion and/or revocation of CESD system access up to and including permanent loss of privileges.
- b. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions.
- c. Disciplinary action may be appealed by parents, students and/or a representative in accordance with established CESD procedures.

3. Others
  - a. Other guest users who violate general system user prohibitions shall be subject to suspension of system access up to and including permanent revocation of privileges.
  - b. Violations of law will be reported to law enforcement officials or other agencies, as appropriate, and may result in criminal or civil sanctions.

### **Telephone/Membership/Other Charges**

1. CESD assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by any home usage of CESD's system.
2. Any disputes or problems regarding phone services for home users of CESD's system are strictly between the system user and his/her local phone company and/or long distance service provider.

### **Information Content/Third Party Supplied Information**

1. System users and parents of student system users are advised that use of CESD's system may provide access to materials that may be considered objectionable and inconsistent with CESD's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of CESD's system accordingly.
2. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third-party individuals are those of the providers and not CESD.
3. System users may, with supervising teacher or system coordinator approval, order services or merchandise from other individuals and agencies that may be accessed through CESD's system. These individuals and agencies are not affiliated with CESD. All matters concerning merchandise and services ordered including, but not limited to, purchase terms, payment terms, warranties, guarantees and delivery are solely between the seller and the system user. CESD makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. CESD staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
4. CESD does not warrant that the functions or services performed by or that the information or software contained on the system will meet the system user's requirements or that the system will be uninterrupted or error-free or that defects will be corrected. CESD's system is provided on an "as is, as available" basis. CESD does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.