Multnomah Education Service District

Code: **IIBGA-AR(1)**
Revised/Reviewed: 11/7/05; 4/22/13

Electronic Communications System Procedures and Guidelines

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 MESD programs.

5. "Inappropriate matter" means material that is inconsistent with general educational purposes and MESD's mission and goals.[1]

General MESD Responsibilities

MESD will:

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

2. Provide staff training in the appropriate use of MESD's system including copies of Board policy and administrative regulations. Staff will provide similar training to authorized system users;

[1]As in appropriate 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.

3. Cooperate fully with local, state or federal officials in any investigation relating to misuse of MESD's system;

4. Use only properly licensed software, audio or video media purchased or approved for use by MESD. MESD 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. Install and use desktop and/or server virus detection and removal software;

6. 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. An administrator, supervisor or other individual authorized by the superintendent may disable the technology protection measures to enable access for bona fide research or other lawful purposes, as deemed appropriate;

7. Prohibit access by minors, as defined by CIPA and this regulation, to inappropriate matter on the Internet and World Wide Web;

8. Provide staff supervision to monitor the on-line 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;

9. Provide student education about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;

10. Determine which users and sites accessible as part of MESD's system are most applicable to the curricular needs of MESD and may restrict user access, accordingly;

11. Determine which users will be provided access to MESD's e-mail system;

12. Notify appropriate system users that:

    a. MESD retains ownership and control of its computers, hardware, software and data at all times. All communications and stored information transmitted, received or contained in the information system are MESD's property and are to be used for authorized purposes only. Use of MESD equipment or software for unauthorized purposes is strictly prohibited. To maintain system integrity, monitor network etiquette and ensure that those authorized to use the system are in compliance with Board policy, administrative regulations and law, the superintendent or designee(s) may routinely review user files and communications.
    b. Files and other information, including e-mail, sent or received, generated or stored on MESD servers are not private and may be subject to monitoring. By using MESD's system, individuals consent to have that use monitored by authorized MESD personnel. MESD reserves the right to access and disclose, as appropriate, all information and data contained on MESD computers and e-mail system;
    c. MESD may establish a retention schedule for the removal of email;
    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 MESD's computers and e-mail system may become discoverable evidence if a public records request is made or a lawsuit is filed against MESD. "Deleted" or "purged" data from MESD computers or e-mail system may be retrieved for later public records disclosure or disciplinary purposes, as deemed necessary by MESD, if available;
f. MESD may set quotas for system disk usage. MESD may allow system users to increase their quota by submitting a written request to the supervising teacher or system coordinator stating the need for the increase;
g. Passwords used on the MESD's system are the property of the MESD. Passwords must be provided to supervisors or designated MESD personnel, when required by the superintendent or designee(s). Passwords that have not been provided to the MESD are prohbitied;
h. Transmission of any materials regarding political campaigns is prohibited;
i. Personnel may be disciplined for improper security behavior, up to and including dismissal. Improper security behavior may include: providing username and password to nonauthorized personnel; visiting sites that install malware; or disabling antivirus and security measures.

13. Ensure all students and staff complete and sign an agreement to abide by MESD's electronic communications policy and administrative regulations. All such agreements will be maintained on file at the central office or MESD program site;

14. Notify users of known copyright infringing activities and deny access to or remove the material;

15. Ensure all or appropriate staff complete and sign a data confidentiality agreement.

System Access

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

   Board members, MESD employees, students in grades K-12, with parent approval and when under the direct supervision of staff, and MESD volunteers, MESD contractors or other members of the public as authorized by the system coordinator or MESD administrators consistent with the MESD's policy governing use of MESD equipment and materials.

2. Students, staff and Board members may be permitted to use the MESD system to conduct business related to the management or instructional needs of the MESD or to conduct research related to education. Personal use of MESD computers including Internet and email access by students and Board members is strictly prohibited. Personal use of MESD computers including Internet access and e-mail by staff is restricted. Any personal use by staff is limited to such use 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 the MESD, or computer games which may serve to improve the individual's keyboard proficiency and software component familiarity). Such use is restricted by to the employee's own time.

General Use Prohibitions/Guidelines/Etiquette

Operation of the MESD's system relies upon the proper conduct and appropriate use of 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 the MESD's system.

1. Prohibitions

   The following conduct is strictly prohibited:

   a. Attempts to use the 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, or software or file share music, videos or other material on the MESD's system in violation of copyright law or applicable provisions of use or license agreements;
   c. Attempts to degrade, disrupt or vandalize MESD equipment, software, materials or data, or those of any other user of the MESD's system or any of the agencies or other networks connected to the 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 MESD;
      (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 the program or program 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;
      (7) A virus or malware.

   f. Attempts to gain unauthorized access to any service via MESD'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 or teacher and consistent with applicable Board policy pertaining to student directory information and personally identifiable information. Personal student 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 MESD's system, unless authorized by the system coordinator or teacher and with prior parent approval;

i. Attempts to use MESD's name in external communication forums such as chat rooms without prior authorization;

j. Attempts to use another individual's account name or password, fail to provide specified MESD with individual passwords or to access restricted information, resources or networks to which the user has not been given access;

k. Attempts to subvert security measures such as bypassing antivirus or using proxy servers to avoid filtering.

2. Guidelines/Etiquette

System users will:

a. Adhere to the same standards for communicating online that are expected in the classroom and consistent with Board policy and administrative regulations;

b. Respect other people's time and cyberspace. Use real-time conference features such as talk/chat/Internet relay chat only as approved by the supervising teacher or system coordinator. Avoid downloading excessively large files. Remain on the system long enough to get needed information then exit the system. Act as though every byte sent costs somebody time and money, because it does;

c. Take pride in communications. Check spelling and grammar;

d. Respect the privacy of others. Do not read the mail or files of others without their permission;

e. Cite all quotes, references and sources;

f. Adhere to guidelines for managing and composing effective e-mail messages:

(1) One subject per message - avoid covering various issues in a single e-mail message;
(2) Use a descriptive heading;
(3) Be concise - keep message short and to the point;
(4) Write short sentences;
(5) Use bulleted lists to break up complicated text;
(6) Conclude message with actions required and target dates;
(7) Remove e-mail in accordance with established guidelines;
(8) Remember, there is no expected right to privacy when using e-mail. Others may read or access mail;
(9) Always sign messages;
(10) Always acknowledge receipt of a document or file;
(11) Do not use all caps as that is considered yelling.

g. Protect password confidentiality. Passwords are the property of the ESD and are not to be shared with others. Using another user's account or password or allowing such access by another may be permitted with supervising teacher or system coordinator approval only. No system user may use a password on the ESD's computers, e-mail system or Internet access which is unknown to the ESD;

h. Communicate only with such users and/or sites as may be authorized by the ESD;

i. Be forgiving of the mistakes of others and share your knowledge. Practice good mentoring techniques;
j. Report violations of the ESD's policy and administrative regulation or security problems to the supervising teacher, system coordinator or administrator, as appropriate.

Complaints

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

Violations/Consequences

1. Students

    a. Students who violate general system user prohibitions shall be subject to discipline, up to and including expulsion and/or revocation of 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 MESD procedures.

2. 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.

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. MESD 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 MESD's system.

2. Any disputes or problems regarding phone services for home users of MESD'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 the system may provide access to materials that may be considered objectionable and inconsistent with MESD's mission and goals. Parents should be aware of the existence of such materials and monitor their student's home usage of the 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 MESD.

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 the system. These individuals and agencies are not affiliated with MESD. 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. MESD makes no warranties or representation whatsoever with regard to any goods or services provided by the seller. MESD 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. MESD 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. The system is provided on an "as is, as available" basis. MESD 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.