

VENTURA COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4040**

ADOPTED: 04/12/04

CLASSIFICATION: Personnel

REVISED: 07/07/08

REPLACED: 07/14/15

REPLACED: 12/14/16

SUBJECT: Employee Use of Technology

ACCEPTABLE USE AGREEMENT/POLICY AND RELEASE OF VCOE LIABILITY FROM EMPLOYEES

The Ventura County Office of Education, hereinafter referred to as VCOE, provides quality services and support for life-long learning opportunities. VCOE collaborates to build relationships with local educational institutions and other government and private sector entities to provide leadership, service, and support for all learners. This will be accomplished through the following four goals:

1. Provide, promote, and support environments that result in world-class learning;
2. Secure and develop resources (human, fiscal, and information) that support and promote our mission;
3. Develop and maintain an organization based on teamwork, trust, communication, commitment, and competence; and
4. Optimize customer satisfaction.

VCOE has a strong commitment to providing a quality education for its students, including access to and experience with technology. VCOE's goals for technology in education include promoting educational excellence in schools by facilitating resource sharing, innovation, and communication; providing appropriate access to all students; supporting critical and creative thinking; fully integrating technology into the daily curriculum; promoting collaboration and entrepreneurship; and preparing students and educators to meet the challenge of a highly technological and information-rich society.

VCOE recognizes that technology can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating operations. VCOE provides a wide range of technological resources, including staff Internet access for the purpose of advancing the educational mission of VCOE. All employees are expected to learn and use the available technological resources that will assist them in the performance of their job responsibilities.

The level of access provided coincides with the requirements of each employee's job functions. These resources are provided at the public's expense and maintained by VCOE and therefore are to be used by members of the VCOE community with respect for the public trust through which they have been provided. VCOE intends to maintain a nonpublic forum, and the forums created by use of its technological equipment are reserved for VCOE's intended purposes.

VCOE periodically updates technology standards according to Superintendent's Policies and Administrative Regulations. Staff members who agree to abide by these defined standards will have access to appropriate, available resources, with guidance and support provided by the Technology Services Department.

Superintendent's Policy 4040 established ethical standards for the use of technology and technological resources in our schools and offices. Superintendent's policies apply to all VCOE staff, whether or not they come into direct contact with students, and cover all technology used while acting in their capacity as a VCOE staff member. This Acceptable Use Policy provides direction regarding the appropriate and inappropriate use of technology:

- During the performance of duties;
- While at a VCOE location; and/or
- While using VCOE equipment and/or accessing VCOE resources.

Successful operation of such resources requires that all users conduct themselves in a responsible, confidential, ethical, decent, and polite manner, consistent with VCOE Mission and Goals, as well as existing and applicable statutes. This Acceptable Use Policy does not attempt to articulate all required or prohibited behavior by users. Additional guidance and support is provided by the Technology Services Department.

This document provides direction to VCOE employees regarding electronic communications such as electronic mail, social networking, and publishing web pages on the Internet through VCOE or other web servers. Considerations reflected in this document are:

1. Protecting the welfare of children;
2. Protecting every individual's right to privacy;
3. Protecting intellectual and property rights;
4. Respecting the rights of children's parents/guardians;
5. Assuring web resources are used to promote VCOE's educational goals; and
6. Assuring web resources are of the highest quality and are organized, well-designed, and easy to navigate.

Unacceptable behaviors include but are not limited to: creation and transmission of offensive, obscene, or indecent material; creation of defamatory material; plagiarism; infringement of copyright, including software, published texts, and student work; political and/or religious proselytizing; transmission of commercial and/or advertising material; and creation and transmission of material that a recipient might consider disparaging, harassing, and/or abusive based on race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, and/or political beliefs.

VCOE employees must follow VCOE protocols when using VCOE technological resources. Modification of such resources must be accomplished with guidance and support provided by the Technology Services Department. For example, a VCOE employee may not download any software or electronic files without implementing virus protection measures that have been approved by VCOE. An employee may not intentionally interfere with the normal operation of the network, including the propagation of computer viruses and unsanctioned high-volume network traffic that substantially hinders others in their use of the network. This includes causing congestion or disruption of the VCOE network through inappropriate downloads of large files, streaming audio/video, or other such activities.

A VCOE employee may not examine, change, or use another person's files, output, records, or user name for which they do not have explicit authorization. A VCOE employee may not perform any other inappropriate uses identified by the network administrator. In order to comply with state and federal privacy laws, non-VCOE employees (such as parents, volunteers, or students) may not access any VCOE employee devices or secured resources since confidential or protected student information or sensitive email communications may be stored or accessed from there.

VCOE employees, during the performance of duties, must obey all applicable laws and must follow rules of professional conduct. VCOE is committed to meeting the provisions established in the Family Educational Rights and Privacy Act (FERPA), which protects the rights of students regarding education records. VCOE is committed to meeting the provisions established in the Health Insurance Portability and Accountability Act (HIPAA), which protects the rights of students and employees regarding protected health information. When technology resources are used to transmit confidential information about students, employees, and/or VCOE business, all appropriate safeguards must be used.

VCOE is committed to meeting the provisions established in the Children's Internet Protection Act (CIPA), which protects the safety and privacy of minors. Consequently, VCOE uses appropriate filtering technology to monitor and screen access to the Internet, in an attempt to prevent online access to materials that are obscene, contain child pornography, or are harmful to minors. In compliance with California legislation and E-Rate, VCOE addresses the appropriate and ethical use of information technology in the classroom so that students and teachers can distinguish lawful from unlawful uses of copyrighted works, including the following topics: the concept and purpose of both copyright and fair use; distinguishing lawful from unlawful downloading and peer-to-peer file sharing; and avoiding plagiarism. VCOE provides for the education of minors about Internet safety, including appropriate online behavior that encompasses interacting with other individuals on social networking sites and in chat rooms, cyberbullying awareness and response, and protecting online privacy and avoiding online predators.

A VCOE employee, acting in an individual capacity and outside the scope of employment, may, during nonworking time, express views and opinions that do not necessarily state or reflect those of VCOE. Any such expression shall neither state nor imply that it is made on behalf of VCOE. A VCOE employee shall not communicate information otherwise prohibited by VCOE policy or procedures using technological resources.

A VCOE employee has no specific ownership or possessory right in the technological resources used or in the information stored or created therein. A VCOE employee does not have an expectation of privacy in workplace electronic communications. Computer files and communications over electronic networks, including e-mail, voice mail, and Internet access, are not private. To ensure proper use, the Superintendent/designee may monitor VCOE's technological resources, including but not limited to e-mail, voice mail systems, and Internet usage, at any time without advance notice or consent and may copy, store, or delete any electronic communication or files and disclose them to others as it deems necessary or required by law including but not limited to retrieval of information in response to the Public Records Act; retrieval of records in compliance with the Pupil Record Act, Education Code section 49062, et seq., FERPA and AB 1584; and/or to fulfill statutory duties and Board policies to maintain public records.

A VCOE employee acting within the scope of employment, should conduct VCOE business only on VCOE sanctioned systems. A VCOE employee may not consume time on non VCOE business, and the employee's use of VCOE equipment is expected to be related to VCOE's goals of educating students and/or conducting VCOE business. VCOE recognizes, however, that some personal use is inevitable and that incidental and occasional personal use that is infrequent or brief in duration is permitted so long as it occurs on personal time, does not interfere with VCOE business, and is not otherwise prohibited by VCOE policy, procedure, or statute.

Although VCOE will make a concerted effort to protect staff from adverse consequences resulting from use of VCOE technology resources, all users must exercise individual vigilance and responsibility to avoid inappropriate and/or illegal activities. Users are ultimately responsible for their actions in accessing and using VCOE computers and/or mobile devices and the VCOE network. VCOE accepts no liability relative to information stored and/or retrieved on VCOE-owned technology resources. VCOE accepts no liability for employee-owned technology resources used on VCOE property.

For employees assigned to classrooms, personal use of cell phones, smart phones, tablets and similar mobile communication devices for calls, texts, emails, social media, internet use, etc. is prohibited during instructional time, in the presence of students, or during scheduled work hours, with the exception of emergencies.

Examples of prohibited employee use of communication devices during the work day include:

- Checking, reading, composing, and/or sending personal texts, instant messages and/or emails in the classroom or in the presence of students;

- Using a cell phone to check personal voicemails in the classroom or in the presence of students
- Using a cell phone for personal calls in the classroom or in the presence of students;
- Accessing personal social networking sites (e.g., Facebook, Instagram, Twitter) in the classroom or in the presence of students.

VCOE recognizes the occasional need for personal cell phone use in emergency situations. Although cell phones may be used to place and/or take calls in these situations, staff members must inform their teacher/supervisor of the need to step outside of the instructional setting to either place and/or take such a call. Additionally, even where calls made or received are reasonably characterized as “emergencies,” such calls should not be excessive and should not interfere with VCOE’s normal business practices and the performance of the individual’s tasks.

Violation of this Administrative Regulation may result in discipline in accordance with VCOE employee handbooks, collective bargaining agreements (if applicable), Superintendents Policies, and state and federal law.

VCOE employees are expected to review, understand, and abide by the terms described in this Administrative Regulation. The employee’s annual signature on either Administrative Regulation 4040, Exhibit A, Staff Acceptable Use Policy and Agreement, or the Employee Annual Notifications and Acknowledgement form is legally binding and indicates that the party who signed has read the terms and conditions carefully and understands their significance.

VCOE supervisors are required to enforce these policies consistently and uniformly. No supervisor has the authority to override the policies unless he or she obtains the written permission of the Superintendent.

Signed Administrative Regulation 4040, Exhibit A, Staff Acceptable Use Policy and Agreement, and/or the Employee Annual Notifications and Acknowledgement forms are kept on file at VCOE. Any employee who violates any provision of Superintendent’s Policy 4040 and/or Administrative Regulation 4040 shall be considered as having acted in an individual capacity and outside the scope of employment and, as such, may be subject to disciplinary action, up to and including termination or criminal prosecution by government authorities.