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Policy 511

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511 INTERNET ACCEPTABLE USE AND SAFETY POLICY

I. PURPOSE

The purpose of this policy is to set forth policies and guidelines for access to the agency's computer system and acceptable and safe use of the Internet, including electronic communications.

II. GENERAL STATEMENT

In making decisions regarding student and employee access to the agency computer system and the Internet, including electronic communications, the agency considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the agency's computer system and to the Internet enables students and employees to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The agency expects that faculty will blend thoughtful use of the agency computer system and the Internet throughout the curriculum and will provide guidance and instruction to students in their use.

III. LIMITED EDUCATIONAL PURPOSE

The agency is providing students and employees with access to the agency computer system, which includes Internet access. The purpose of the system is more specific than providing students and employees with general access to the Internet. The agency system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the agency or district system to further educational and personal goals consistent with the mission of the agency program and agency-related policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

IV. USE OF SYSTEM IS A PRIVILEGE

The use of the agency computer system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the agency system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access

privileges; payments for damages and repairs; discipline under other appropriate agency policies, including suspension, expulsion, exclusion, or termination of employment; or civil or criminal liability under other applicable laws.

V. UNACCEPTABLE USES

- A. The following uses of the agency system and Internet resources or accounts are considered unacceptable:
1. Users will not use the agency system to access, review, upload, download, store, print, post, receive, transmit, or distribute:
 - a. pornographic, obscene, or sexually explicit material or other visual depictions that are harmful to minors;
 - b. obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language;
 - c. materials that use language or images that are inappropriate in the education setting or disruptive to the educational and workplace process;
 - d. information or materials that could cause damage or danger of disruption to the educational or workplace process;
 - e. materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
 2. Users will not use the agency system to knowingly or recklessly post, transmit, or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks, including prejudicial or discriminatory attacks.
 3. Users will not use the agency system to engage in any illegal act or violate any local, state, or federal statute or law.
 4. Users will not use the agency system to vandalize, damage, or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means, will not tamper with, modify, or change the agency system software, hardware, or wiring or take any action to violate the agency's security system, and

will not use the agency system in such a way as to disrupt the use of the system by other users.

5. Users will not use the agency system to gain unauthorized access to information resources or to access another person's materials, information, or files without the implied or direct permission of that person.
6. Users will not use the agency system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, including, but not limited to, addresses, telephone numbers, agency addresses, work addresses, identification numbers, account numbers, access codes or passwords, labeled photographs, or other information that would make the individual's identity easily traceable, and will not repost a message that was sent to the user privately without permission of the person who sent the message.
 - a. This paragraph does not prohibit the posting of employee contact information on agency webpages or communications between employees and other individuals when such communications are made for education-related purposes (i.e., communications with parents or other staff members related to students).
 - b. Employees creating or posting agency-related webpages may include personal contact information about themselves on a webpage. However, employees may not post personal contact information or other personally identifiable information about students unless:
 - (1) such information is classified by the agency as directory information and verification is made that the agency has not received notice from a parent/guardian or eligible student that such information is not to be designated as directory information; or
 - (2) such information is not classified by the agency as directory information but written consent for release of the information to be posted has been obtained from a parent/guardian or eligible student.

In addition, prior to posting any personal contact or personally identifiable information on an agency-related webpage, employees shall obtain written approval of the content of the postings from the building administrator.

- c. These prohibitions specifically prohibit a user from utilizing the agency system to post personal information about a user or another individual on social networks, including, but not limited to, social networks such as “Facebook,” “Twitter,” “Instagram,” “Snapchat,” and “Reddit,” and similar websites or applications.
 - 7. Users will not attempt to gain unauthorized access to the agency system or any other system through the agency system, attempt to log in through another person’s account, or use computer accounts, access codes, or network identification other than those assigned to the user without authorization. Messages and records on the agency system may not be encrypted without the permission of appropriate agency authorities.
 - 8. Users will not use the agency system to violate copyright laws or usage licensing agreements, or otherwise to use another person’s property without the person’s prior approval or proper citation, including the downloading or exchanging of pirated software or copying software to or from any agency computer, and will not plagiarize works they find on the Internet.
 - 9. Users will not use the agency system for conducting business, for unauthorized commercial purposes, or for financial gain unrelated to the mission of the agency. Users will not use the agency system to offer or provide goods or services or for product advertisement. Users will not use the agency system to purchase goods or services for personal use without authorization from the appropriate agency official.
 - 10. Users will not use the agency system to engage in bullying or cyberbullying in violation of the agency’s Bullying Prohibition Policy. This prohibition includes using any technology or other electronic communication off school premises to the extent that student learning or the school environment is substantially and materially disrupted.
- B. A student or employee engaging in the foregoing unacceptable uses of the Internet when off agency premises also may be in violation of this policy as well as other agency policies. Examples of such violations include, but are not limited to, situations where the agency system is compromised or if an agency employee or student is negatively impacted. If the agency receives a report of an unacceptable use originating from a non-agency computer or resource, the agency may investigate such reports to the best of its ability. Students or employees may be subject to disciplinary action for such conduct, including, but not limited to, suspension or cancellation of the use or access to the agency computer system and the Internet and discipline under other appropriate agency policies, including suspension, expulsion, exclusion, or termination of employment.

- C. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to an appropriate agency official. In the case of an agency employee, the immediate disclosure shall be to the employee's immediate supervisor. This disclosure may serve as a defense against an allegation that the user has intentionally violated this policy. In certain rare instances, a user also may access otherwise unacceptable materials if necessary to complete an assignment and if done with the prior approval of and with appropriate guidance from the appropriate teacher or, in the case of an agency employee, the immediate supervisor.

VI. FILTER

- A. With respect to any of its computers with Internet access, the agency will monitor the online activities of minors and employ technology protection measures during any use of such computers by minors and adults. The technology protection measures utilized will block or filter Internet access to any visual depictions that are:
 - 1. Obscene;
 - 2. Child pornography; or
 - 3. Harmful to minors.
- B. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - 1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
 - 2. 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
 - 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. An administrator, supervisor, or other person authorized by the Executive Director or his designee may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.

VII. CONSISTENCY WITH OTHER AGENCY POLICIES

Use of the agency computer system and use of the Internet shall be consistent with agency policies and the mission of the agency.

VIII. LIMITED EXPECTATION OF PRIVACY

- A. By authorizing use of the agency system, the agency does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the agency system.
- B. Routine maintenance and monitoring of the agency system may lead to a discovery that a user has violated this policy, another agency policy, or the law.
- C. An individual investigation or search will be conducted if agency authorities have a reasonable suspicion that the search will uncover a violation of law or agency policy.
- D. Parents have the right at any time to investigate or review the contents of their child's files and e-mail files. Parents have the right to request the termination of their child's individual account at any time.
- E. Agency employees should be aware that the agency retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, agency employees should be aware that data and other materials in files maintained on the agency system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).
- F. The agency will cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with agency policies conducted through the agency system.

IX. INTERNET USE AGREEMENT

- A. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents, and employees of the agency.
- B. This policy requires the permission of and supervision by the agency's designated professional staff before a student may use an agency account or resource to access the Internet.

X. LIMITATION ON AGENCY LIABILITY

Use of the agency system is at the user's own risk. The system is provided on an "as is, as available" basis. The agency will not be responsible for any damage users may suffer, including, but not limited to, loss, damage, or unavailability of data stored on agency CD's, DVD's, thumb drives, hard drives, or servers, or for delays or

changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The agency is not responsible for the accuracy or quality of any advice or information obtained through or stored on the agency system. The agency will not be responsible for financial obligations arising through unauthorized use of the agency system or the Internet.

XI. USER NOTIFICATION

- A. All users shall be notified of the agency policies relating to Internet use.
- B. This notification shall include the following:
 - 1. Notification that Internet use is subject to compliance with agency policies.
 - 2. Disclaimers limiting the agency's liability relative to:
 - a. Information stored on agency portable drives, hard drives, or servers.
 - b. Information retrieved through agency computers, networks, or online resources.
 - c. Personal property used to access agency computers, networks, or online resources.
 - d. Unauthorized financial obligations resulting from use of agency resources/accounts to access the Internet.
 - 3. A description of the privacy rights and limitations of agency sponsored/managed Internet accounts.
 - 4. Notification that, even though the agency may use technical means to limit student Internet access, these limits do not provide a foolproof means for enforcing the provisions of this acceptable use policy.
 - 5. Notification that goods and services can be purchased over the Internet that could potentially result in unwanted financial obligations and that any financial obligation incurred by a student through the Internet is the sole responsibility of the student and/or the student's parents.
 - 6. Notification that the collection, creation, reception, maintenance, and dissemination of data via the Internet, including electronic communications, is governed by all privacy policies relating to student and employee information.

7. Notification that, should the user violate the agency's acceptable use policy, the user's access privileges may be revoked, agency disciplinary action may be taken and/or appropriate legal action may be taken.
8. Notification that all provisions of the acceptable use policy are subordinate to local, state, and federal laws.

XII. PARENTS' RESPONSIBILITY; NOTIFICATION OF STUDENT INTERNET USE

- A. Outside of the agency, parents bear responsibility for the same guidance of Internet use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the agency system and of the Internet if the student is accessing the agency system from home or a remote location.
- B. Parents will be notified that their students will be using agency resources/accounts to access the Internet and that the agency will provide parents the option to request alternative activities not requiring internet access. This notification should include:
 1. A description of parent/guardian responsibilities.
 2. A notification that the parents have the option to request alternative educational activities not requiring Internet access and the material to exercise this option.
 3. A statement that the agency's acceptable use policy is available for parental review.

XIII. IMPLEMENTATION; POLICY REVIEW

- A. The agency may develop appropriate user notification forms, guidelines, and procedures necessary to implement this policy subject to approval of the Executive Director.
- B. The administration shall revise the user notifications, including student and parent notifications, if necessary, to reflect the adoption of these guidelines and procedures.
- C. The agency Internet policies and procedures are available for review by all parents, guardians, staff, and members of the community.

Legal References: 15 U.S.C. § 6501 *et seq.* (Children’s Online Privacy Protection Act) 17 U.S.C. § 101 *et seq.* (Copyrights)

20 U.S.C. § 6751 *et seq.* (Enhancing Education through Technology Act of 2001)

47 U.S.C. § 254 (Children’s Internet Protection Act of 2000 (CIPA))

47 C.F.R. § 54.520 (FCC rules implementing CIPA)

Minn. Stat. § 121A.0695 (Agency Board Policy; Prohibiting Intimidation and Bullying)

Minn. Stat. § 125B.15 (Internet Access for Students)

Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

United States v. Amer. Library Assoc., 539 U.S. 194, 123 S.Ct. 2297, 56 L.Ed.2d 221 (2003)

Doninger v. Niehoff, 527 F.3d 41 (2nd Cir. 2008)

Layshock v. Hermitage Sch. Dist., 412 F.Supp.2d 502 (W.D. Pa. 2006)

M.T. v. Cent. York Sch. Dist., 937 A.2d 538 (Pa. Commw. Ct. 2007)

J.S. v. Bethlehem Area Sch. Dist., 807 A.2d 847 (Pa. 2002)