



EMPLOYEE USE OF TECHNOLOGY AGREEMENT

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revised: November 1, 2016

Santa Clara County Office of Education

1.0 PURPOSE AND SCOPE

The Santa Clara County Office of Education (SCCOE) recognizes and supports advances in technology. While these technologies provide a valuable resource to the SCCOE, it is important that the SCCOE's use of technology be appropriate for SCCOE purposes. Inappropriate use may result in loss of employee productivity, service, compromised security, lost data and other negative consequences.

SCCOE technology includes, but is not limited to, computers, the SCCOE's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers) and SCCOE-issued 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 SCCOE-owned equipment or devices.

Use of SCCOE technology by each employee, student, volunteer, contractor, or other individual shall constitute that person's acknowledgment of an agreement to abide by this regulation. SCCOE technology, including the data and products of its use, is the property of the SCCOE.

No employee shall have access to SCCOE technological resources without first agreeing to and signing the SCCOE Employee Use of Technology Agreement (Exhibit 4040).

SCCOE staff shall retain a copy of the agreement in the employee's file.

2.0 DEFINITIONS

- 2.1 **Acceptable Use:** use of SCCOE technology that has educational value and does not violate relevant state or federal laws or regulations, or SCCOE policies, procedures, rules, or regulations.
- 2.2 **Copyright Infringement:** use of copyrighted materials without the prior permission of the author.
- 2.3 **Educational Value:** material that enhances the learning experience of the student in the school setting and does not violate relevant state or federal laws or regulations, or SCCOE policies, procedures, rules, or regulations.
- 2.4 **Email:** electronic mail; a service that sends messages via local or global networks.
- 2.5 **Fraudulent Access:** inappropriate or unacceptable use of technological resources without permission with the intent of avoiding, attempting to avoid or assisting to avoid lawful charges.

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- 2.6 **Harmful Matter:** includes, but is not limited to any written, visual, or recorded material or reproduction which
- includes offensive racial, gender, ethnic, violent, or religious depictions; or
 - when taken as a whole, to the average person applying contemporary statewide standards, appeals to the prurient interest, and is matter which taken as a whole depicts or describes in a patently offensive way sexual conduct and which, when taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- 2.7 **Internet:** a global network of computer networks connecting the education, research, and business communities. The Internet provides SCCOE participants with access to vast, diverse, and unique worldwide resources and the ability to share information that is current and relevant.
- 2.8 **Social Network:** a dedicated website or other application that enables users to communicate with each other by posting information, comments, messages, images, etc.
- 2.9 **Social Media:** websites and applications that enable users to create and share content or to participate in social networking, examples include Facebook, Instagram, Twitter, Snapchat, and Tumbler.
- 2.10 **Netiquette:** the rules of etiquette on the Internet; includes respect for copyrighted materials and private information.
- 2.11 **Obscene material:** “Obscene material” is defined as (a) the subject as a whole appeals to the prurient interest (shameful or morbid interest in nudity, sex, or excretion) of the average person, using contemporary community standards; (b) the work depicts or describes in a patently offensive way sexual conduct proscribed by the state statute, and (c) the work as a whole lacks serious literary, artistic, political, or scientific value.
- 2.12 **Plagiarism:** copying the work of another and presenting it as your own original work; with or without permission or agreement.
- 2.13 **Unacceptable Use:** includes, but not limited to, using SCCOE technological resources for commercial advertising; copyright infringement; political lobbying; accessing and or sending obscene material; sending/receiving discriminatory messages; intentionally creating or copying a computer virus and placing it on the network; using the network to send/receive messages using someone else’s user name/address or depicting someone else as the originator of the message; using the network in a manner inconsistent with other student policies and codes of conduct.

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- 2.14 **Unauthorized Access:** tampering, interference, damage, and unauthorized use of lawfully created computer data and computer systems, including security systems.

3.0 USE OF OFFICE TECHNOLOGY

Employees are authorized to use Santa Clara County Office of Education equipment to access the Internet or other online services in accordance with SCCOE policy, the SCCOE's Employee Use Agreement, and the user obligations and responsibilities specified below.

Employees should have no expectation that any communications made using the SCCOE's information and communication systems and equipment are exempt from monitoring or access by the SCCOE.

- 3.1 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(s) to which they have been assigned.
- 3.2 Employees shall use the system safely, responsibly, and primarily for work-related purposes.
- 3.3 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)

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

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

- 3.5 Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Santa Clara County Superintendent of Schools or designee.

- 3.6 Copyrighted material shall be posted online only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

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3.7 Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing SCCOE or using SCCOE equipment or resources without permission of the County Superintendent or designee. Such sites shall be subject to rules and guidelines established for SCCOE 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 SCCOE is not responsible for the content of the messages. The SCCOE retains the right to delete material on any such online communications.

(cf. 1113 - SCCOE and School Web Sites)

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

3.9 The Office reserves the right to monitor the use of SCCOE technology to ensure that:

3.9.1 Public resources are appropriately used for SCCOE-related business;

3.9.2 Applicable SCCOE policies and regulations including those regarding harassment and nondiscrimination are followed;

3.9.3 Any personal use of SCCOE technology does not interfere with office business or job duties and is minimal in terms of use and cost.

Employees will report all incidents of unacceptable use immediately without inquiry to their supervisor who will report it to the appropriate branch for handling. All incidents of viruses, malicious software or security failures shall be reported immediately to the Help Desk and any other relevant SCCOE division.

4.0 ELECTRONIC MAIL

Electronic mail (email) is a valuable tool at the SCCOE that improves communication of many types of information.

All email messages, like all paper documents, are the property of the SCCOE, and are subject to SCCOE policy, regulations, procedures, and control.

Email is not a confidential forum for communications. The contents of messages may be monitored, and all users should be aware that every message can be stored, forwarded, and printed. As such, email messages become public documents available to the general public and subject to discovery in any legal proceedings.

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The SCCOE may require new registration, account information or password changes from any person to continue services, either on a regular basis or without notice.

Private or personal non-commercial use of the SCCOE email system is permitted as long as it is not excessive and does not interfere or conflict with the SCCOE’s normal business practices and the performance of the individual’s tasks. Individuals should exercise sound judgment and sensitivity to others when exchanging personal messages in the workplace.

4.1 The following guidelines shall be followed when using SCCOE electronic mail:

- 4.1.1 Email messages should not contain profanity, racial, or sexual slurs, or other unprofessional language.
- 4.1.2 Employees are responsible for keeping access to their email account secure and may be held accountable for any messages sent using their email account. Each user is expected to keep their password secure. Continued use of a generic password, leaving a password where it can be found, giving the password to anyone or leaving a computer unattended with email open can result in someone else sending messages in the owner's name.
- 4.1.3 SCCOE will comply with all state and federal laws as well as SCCOE policies and regulations governing retention of email, including email which may be classified as business records, employee records, public records or student records.
- 4.1.4 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.
- 4.1.5 Email can be used to produce and distribute internal memoranda, as long as the sender ensures proper distribution (i.e., hard copies to staff without email capability, and delivery in a timely manner).
- 4.1.6 Employees are responsible for keeping access to their email account secure and may be held accountable for any messages sent using their email account. Personal devices and/or computers left unattended should have a screen lock. Continued use of a generic password, leaving a password where it can be found, giving the password to anyone other than their supervisor or leaving a computer unattended with email open can result in someone else sending messages in the owner’s name. The Office will require employees to change passwords at regular intervals and enforce password complexity rules for security reasons.

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4.2 Broadcast to All Email Users

- 4.2.1 Prior to sending any message to all email users, the message must be reviewed by the appropriate Cabinet member or designee as to its appropriateness.
- 4.2.2 Email should not be used for mass circulation announcements, event publicity and other similar purposes to all SCCOE staff on the system, without prior approval by the appropriate Cabinet member or designee. This includes sales, fund-raisers, or the birth or death announcements unless approved in advance.

5.0 SOCIAL MEDIA

Employees should refrain from using personal social media while on work time or on equipment provided by the SCCOE, unless it is work related. Employees should not use SCCOE email addresses to register social networks, blogs, or other online tools utilized for personal use.

6.0 PROHIBITED USE OF SCCOE TECHNOLOGY

Prohibited uses of SCCOE technology, including use of personal social media accounts using SCCOE technology and equipment, includes the following:

- 6.1 Using SCCOE technology for commercial advertising, gain or fraud including:
 - a. Selling or buying anything using SCCOE technology for personal financial gain;
 - b. Using SCCOE technology for advertising, promotion, or financial gain;
 - c. Conducting for-profit business activities;
 - d. Engaging in unauthorized fundraising or public relations activities such as solicitation for religious or non-profit purposes, lobbying for political purposes, or soliciting votes.
- 6.2 Political activities as defined in Board Policy 1160 and Superintendent Policy and Administrative Regulation 4119.25;
- 6.3 Religious activities;
- 6.4 Intentionally disabling or bypassing security systems or procedures;
- 6.5 Unauthorized use of another’s passwords or computer to access files, resources, or systems or unauthorized use an account belonging to another user;
- 6.6 Unauthorized access to protected systems containing student, personnel, financial or other data;

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- 6.7 Using Office technology to access, obtain or distribute confidential, personal or private information without authorization or unauthorized possession of any data that might be considered a violation of these rules;
- 6.8 Using Office computers to copy software or using software in violation of copyright or license agreements;
- 6.9 Copying Office software, files or documents for personal use;
- 6.10 Downloading or installing personal software on Office computers;
- 6.11 Sending, creating, intentionally receiving or storing any material in violation of any United States or California laws or SCCOE policy. Such material includes, but is not limited to:
- Copyrighted, trademarked or patented material;
 - Threatening, racist or discriminatory, sexist, or obscene material;
 - Material protected by privilege, trade secret, privacy or confidentiality laws.
- 6.12 Forging documents or email messages or using Office technology to create, send or receive messages using someone else's user name or address or portraying someone else as the originator of the message or document without authorization;
- 6.13 Sending or forwarding chain letters which is defined as correspondence directing the recipient to send out multiple copies;
- 6.14 Using SCCOE technology to either create a computer virus or other malicious software or to knowingly initiate a computer virus or other malicious software on the network or other SCCOE technology;
- 6.15 Using the network or email in a manner inconsistent with other Office policies, regulations or procedures;
- 6.16 Intentionally disrupting network traffic or degrading or disrupting equipment and system performance.

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7.0 ELECTRONIC RECORDS AND RETENTION

Information stored on the SCCOE’s system and equipment, including email, email attachments, Web postings, and voice mail messages may become records of the SCCOE. SCCOE records pertaining to the SCCOE’s business, whether stored in hard copy or electronically, may be considered public records and, therefore, subject to the Public Records Act (PRA) and Title 5, section 16020, et seq., of the California Code of Regulations, pertaining to the retention and destruction of records.

A SCCOE email account is not intended for permanent storage of email. It is each employee’s responsibility to save and/or file email that he or she wishes to access, or that are SCCOE records and required to be retained by law. “SCCOE records” means all records, maps, books, papers, and documents prepared or retained as necessary or convenient to the discharge of official duty and includes any writing containing information related to the conduct of the public’s business prepared, owned, used, or retained by the SCCOE regardless of physical characteristics. SCCOE records shall be either: (1) saved to an electronic filing system, (2) electronically archived, or (3) printed on paper and filed as appropriate. Email and other electronic files that are classified shall be preserved in one of the three manners described above.

The SCCOE may access and, to the extent required or allowed by law, disclose any email received, sent, or stored in a SCCOE email account. The SCCOE will archive emails for a maximum of one year only. The email will be automatically deleted from the SCCOE email system at the end of the retention period by the SCCOE’s Technology Services Branch.

8.0 WARRANTY OF SECURITY OR SERVICES

SCCOE makes no warranties regarding security or services of any kind, whether expressed or implied, for Office technologies, including network services. SCCOE will not be responsible for any damages or losses suffered while using SCCOE technologies. These damages include loss as a result of delays, non- or misdeliveries, or service interruptions caused by the system, errors or omission.

Use of any information obtained via the network is at the individual’s own risk. SCCOE specifically disclaims responsibility for the accuracy of information obtained through its network services.

Users may encounter material on the Internet that is controversial and which user, parents, teachers, or administrators may consider inappropriate or offensive. It is the user’s responsibility not to initiate access to such material. Any efforts by SCCOE to restrict access to Internet material shall not be deemed to impose any duty on SCCOE to regulate access to material on the Internet.

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The Santa Clara County Office of Education makes no warranties with respect to network services, and specifically assumes no responsibilities for:

- The content of any advice or information received by a user from a source outside the county or any costs or charges incurred as a result of seeking or accepting such advice;
- Any costs, liabilities, or damages caused by the way the user chooses to use network access;
- Any consequences of service interruptions or changes, even if these disruptions arise from circumstances under the control of SCCOE;
- While SCCOE supports the privacy of electronic mail, users must assume that this cannot be guaranteed.

9.0 VIOLATION OF POLICIES

Consequences for violations of the policy or regulation may include the following:

- Suspension or revocation of access to SCCOE technology
- Suspension or revocation of network privileges, including electronic mail
- Disciplinary action, up to and including termination
- Civil or criminal action against the offender, where appropriate

SCCOE Superintendent Policy 4040 – Employee Use of Technology is available at <http://www.boarddocs.com/ca/sccoe/Board.nsf/Public#>

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Every employee, volunteer, contractor, or other individual accessing the SCCOE network and/or Internet access must read and sign below:

I have read, understand, and agree to abide by the terms of the foregoing Administrative Regulation, AR 4040 – Employee Use of Technology. I accept responsibility for the appropriate use of the SCCOE computer resources, which include all computer systems, network systems, Internet and intranet web sites or other data processing equipment owned or leased by the SCCOE, as well as remote computers, or computer systems when used to access SCCOE computer resources, the phone system including voice mail, cell phones and office equipment, and any future technologies that are sponsored by SCCOE. I understand that any communications made using the SCCOE’s information and communication systems and equipment are NOT exempt from monitoring or access by the SCCOE. Should I commit any violation or in any way misuse my access to the SCCOE’s computer network and the Internet, I understand and agree that my access privilege(s) and network privilege(s) may be suspended or revoked and disciplinary action up to and including termination may be taken against me. I further understand that civil or criminal action may be taken against me, if and where appropriate, for violation of the SCCOE policies and regulations regarding use of SCCOE technology.

User’s Name (print clearly) _____

User’s Signature: _____ Date: _____

Status: Employee _____ Volunteer _____ Contractor _____ Other _____

This agreement will be kept in the employee’s personnel file

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