

CHARLOTTE-MECKLENBURG SCHOOLS

REGULATIONS	CMS/NEPN Code:
Use of CMS Network & Communication Technologies	EGA-R

Charlotte-Mecklenburg Schools provides an electronic communications network (hereinafter the "CMS network") that allows CMS-authorized individuals internal access to CMS information resources and external access to the Internet. Access to the CMS network and the Internet is a privilege granted to individuals to support education, research and CMS business and is therefore subject to certain restrictions as may be set forth by the Board of Education or the Superintendent. The provisions of these regulations apply to any individual granted access to the CMS network and include all aspects of network use, including any and all information/data. Violation of any provisions of these regulations may result in disciplinary action, up to and including termination.

I. Access to Information

CMS provides individuals access to information systems, including the Internet and the CMS network. CMS is not liable if an individual chooses to access an inappropriate Web site or use network access inappropriately, regardless of the type of system or equipment used.

A. Acceptable Uses

1. Support CMS goals;
2. Promote student achievement;
3. Serve as a resource for information retrieval;
4. Encourage career development and educational advancement;
5. Enhance communication and collaboration among staff, parents and community members;
6. Assist non-instructional staff in performing CMS duties;
7. Personal Use

Individuals may have limited personal Internet use to briefly perform tasks essential to daily living. For example, employee use of the Internet to locate contact information for childcare providers, businesses or medical providers would be acceptable in most cases. However, these activities are limited to those that do not congest, delay or disrupt service or cause any other burden on the CMS network or equipment.

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Revised:

Legal Reference: Children's Internet Protection Act, 47 U.S.C. § 254 (h); 20 U.S.C. § 9134; Child Online Protection Act, 47 U.S.C. § 231; The North Carolina Public Record Act, N.C.G.S. §§132 et seq; N.C.G.S. § 14-190.1

Previous CMS Policy #: none

Cross Reference: GBEB, GBGB, GBJA, EGD

B. Unacceptable Uses

According to Policy GBEB, "Standards of Conduct," the Board of Education expects all employees to act in a professional and responsible manner at all times. Transmission of material in violation of any federal or state law or regulation or CMS policy or regulation is strictly prohibited.

Unacceptable uses include, but are not limited to, the following types of conduct:

1. Any act that may be harmful to minors including accessing and distributing material that may be harmful to minors;
2. Taking any actions that may disrupt the CMS network;
3. Knowingly introducing or attempting to introduce viruses or other malware into the network;
4. Unauthorized access ("hacking") into computer systems or networks, including logging into a computer with a CMS-issued account and allowing any other individual access. Employees will be responsible for all actions that occur while others are logged into their accounts;
5. Encouraging or committing unlawful acts or using the CMS network to promote illegal activities, including accessing gambling, firearms, hate, criminal, pornographic or obscene or terrorism-related sites;
6. Using discriminatory, defamatory, offensive, threatening, intimidating or harassing statements or language, including degrading others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
7. Violating copyright laws, including illegally duplicating software or plagiarizing;
8. Accessing proxy avoidance sites;
9. Cyberstalking;
10. Utilizing the CMS network for commercial purposes such as operating a business for personal or monetary gain;
11. Providing political or campaign information or lobbying for a political cause or candidate that is not directly connected to an instructional activity or exempted by the Superintendent or designee;
12. Posting a student's photographs or school work on a Web site without confirming that a *Photo and Video Release* form¹ has been signed by the student's parent(s);
13. Sharing protected or confidential CMS information/data with unauthorized persons or for unauthorized purposes;
14. Posting personal information about students or staff without proper authorization;

¹ The *Photo and Video Release* form is available in the *CMS Parent-Student Handbook* that is distributed to every student at the beginning of the school year and posted online on the CMS Web site (www.cms.k12.nc.us). The form is also available online in the CMS Online Forms Manual.

15. Distributing material protected by trade secret; and
16. Use of religious statements in email, including email signatures and/or handles with religious statements.

II. Social Computing Guidelines²

CMS supports the use of blogs, wikis and other forms of user-generated media; however, inappropriate use of such media can reflect poorly on the district and the individual and can be cause for disciplinary action, up to and including dismissal. The following guidelines are provided to guide employees in making appropriate content choices:

- A. Know and follow CMS Conduct Guidelines. Be aware that all laws, policies, regulations and guidelines describing appropriate conduct between employees and students apply to employee conduct on any social network, whether or not the communication occurs using the CMS Network or other communications technologies.
- B. Do not link personal web pages and social networking site pages to the CMS web site.
- C. Expect to be held personally responsible for the content published on blogs, wikis or any other form of user-generated media, CMS or non-CMS. Be mindful that online published content will be available in the public domain for an undetermined period of time, over which users have little or no control. Employees must protect their privacy.
- D. Use name and, when relevant, role at CMS when discussing CMS or CMS-related matters. Write in the first person. Clearly state that content is based on personal opinion and does not represent the position of CMS.
- E. When publishing content related to work done for or associated with CMS to any website outside of CMS use a disclaimer such as: "The postings on this site are my own and do not necessarily represent CMS' positions, strategies or opinions."
- F. Respect copyright, fair use and financial disclosure laws.
- G. Respect the audience for the website. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in CMS' workplace. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory.
- H. Find out who else is blogging or publishing on a particular topic and cite them as a reference.

²Based on *IBM Social Computing Guidelines*, <http://www.ibm.com/blogs/zz/en/guidelines.html>

- I. Use a personal CMS email account in any communication with students in blogs, wikis or other social networking sites.

III. **Monitoring and Filtering**

A. **Monitoring**

As stated in Policy EGA, CMS has the right to inspect and monitor any CMS system accessed by any individual at all times (Policy EGA).

B. **Filtering**

CMS will maintain centralized software to provide Internet control and filtering. The filtering software is intended to allow Internet access while, to the extent possible, inhibiting access to content that is obscene, pornographic, harmful to minors or that promotes gambling, use of illegal drugs, hate speech or other illegal behavior. The filtering software is also intended to prohibit access to sites for online merchandising, alternative journals and games. CMS will make every effort to update the filtering software daily.

IV. **Privileges**

The use of any CMS system is a privilege, not a right. Inappropriate access, use or other violation of the provisions of this regulation may result in disciplinary action under appropriate federal or state statutes or termination from CMS. All activity conducted using CMS property, including but not limited to documents, pictures, Web sites, phone call logs and/or email is the property of CMS; it is therefore not confidential or private and is subject to disclosure under NC Public Records Laws.

V. **Disclaimer**

The Board of Education and its Officers will not be responsible for any damages suffered, including loss of data resulting from delays, non-deliveries, service interruptions or an individual's mistakes or negligence, costs incurred by individuals or the accuracy or quality of information received from the Internet. The individual accepts personal responsibility for any information obtained via the CMS network.

VI. **Security**

Maintaining the security of the CMS network is a high priority. Attempts to tamper with the network, individual accounts or software applications or to access the network using the name and password of another individual or to share a password will result in disciplinary action, up to and including termination. Electronic mail is not private; system administrators have access to all email as part of their normal job functions. Email messages relating to or in support of illegal activities will be reported to the authorities, and appropriate disciplinary action will follow.

VII. Vandalism

Vandalism of the CMS network or computer systems will result in disciplinary action, up to and including termination. Vandalism is defined as any malicious attempt to harm or destroy network or computer equipment and/or data of anyone connected to the network. This includes, but is not limited to, uploading, creating or transmitting computer viruses or worms. Network and computer system vandalism, including unauthorized access, is a criminal law violation.

VIII. Exceptions

Any exception to this policy must be granted on an individual basis by the CMS Chief Information Officer or other person designated by the Superintendent.

IX. Email is Public Record

According to the North Carolina Public Records Laws, electronic mail ("email") and other like electronic records are considered public records. There are limited exceptions to public disclosure of email communications, which include: emails associated with personnel actions, emails subject to the attorney-client privilege and emails containing information exempt from public disclosure pursuant to the Family Educational Rights and Privacy Act ("FERPA"); however, the vast majority of the email traffic generated within CMS is a public record. CMS frequently receives public records requests for employee email. When requested, all email, including personal email may be disclosed.

Employees are strongly cautioned not make any assumption of privacy when using CMS email.

X. Agreement

Upon the initial use of any CMS system, all individuals must accept the terms of the *CMS Network and Communications Technology Usage Agreement*, before they may access any CMS system.

XI. Glossary

Authorized: Given approval to, right to do or participate in specific assignment or area.

Blog: A **blog** (a contraction of the term *weblog*) is a website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. "Blog" can also be used as a verb, meaning *to maintain or add content to a blog*.

Communication: a process by which information is exchanged between individuals through a common system, exchange of information.

Cyberstalking: Generally defined, stalking involves repeated harassing or threatening behavior. Today, advances in technology have created a new crime – Cyberstalking. While there is not a universally accepted definition, cyberstalking involves the use of the Internet, email or other means of electronic communication to stalk (or harass) another individual. The use of electronic technology has broadened the ways stalkers can harass their victims.

Hacking: To modify a program, often in an unauthorized manner, by changing the code itself.

Harmful to minors: Any act that can be harmful to minors as defined by the Children’s Internet Protection Act and including but not limited to:

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 as to minors.

Information Technology: the technology involving the development, maintenance and use of computer systems, software and networks for the processing and distribution of data.

Internet: an electronic communications network that connects computer networks and organizational computer facilities around the world.

Individual: employee, both full- and part-time; substitute teacher; student teacher; intern; volunteer; contractor; vendor; or other person granted access to use any CMS technology

Intern: an advanced student or graduate usually in a professional field (as medicine or teaching) gaining supervised practical experience (as in a hospital or classroom).

Network: a system of computers, peripherals, terminals and databases connected by communications lines.

Student teachers: college **student** pursuing a degree in education who teaches in a classroom under the supervision of an experienced certified teacher in order to qualify for a degree in education.

Use of CMS network and communication technologies: accessing CMS networks or applications with personal computers, telephones, smart phones or other technology.

Vendor: A company which supplies parts or services to another company (also called “supplier”).

Wiki: A **wiki** is a page or collection of Web pages designed to enable anyone who accesses it to contribute or modify content, using a simplified markup language. Wikis are often used to create collaborative websites and to power community websites.

XII. Appendix: “Netiquette” Rules (Standards of Conduct)

Individuals must abide by CMS network etiquette (“netiquette”) rules. These rules include, but are not limited to, the following:

1. Individuals must use appropriate language; use of profanity, vulgarities, abusive or inappropriate language will not be allowed.
2. In any electronic communications that is not used in support of CMS education, research and business, individuals must not reveal personal information about others, such as full name, personal address or phone numbers.
3. Individuals should release their own personal identification information with discretion, and only when such release supports a student’s education or career development. CMS is not responsible for any damages or injuries suffered as the result of any individual releasing personal identification information.