

**Employee  
Internet Ethics  
and  
Acceptable Use Agreement**

for  
San Joaquin County Office of Education  
Data Processing JPA

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# San Joaquin County Office of Education

## Data Processing JPA

### Employee Internet and Network Access Ethics

#### I. INTRODUCTION

During the past five years access to the Internet has radically changed the way our county and school districts relate to the world. The information super highway has become a reality. From the district office, or from your home, you are able to travel all over the world to gather information. As we continue to travel this electronic highway, the rules to keep travel safe have become even more vital to successfully completing the journey.

The San Joaquin County Office of Education Data Processing JPA Network (IT JPA WAN) and the Internet represent powerful resources which allow you to find information in this world-wide electronic network. You are able to connect to and correspond with businesses, major universities, national libraries, school district employees, and other people around the world.

Just as you learn social codes and behaviors which are acceptable at your offices, you need to learn the correct procedures and rules for using the network of information services. We require all employees to adhere to these guidelines. *If you break any of these rules, you will not be allowed to continue to use the system and could face disciplinary action by your respective school district.*

#### II. THE INTERNET

The Internet is a global technology network made up of many smaller contributing networks to support the open exchange of information among many different kinds of institutions all over the world. This system gives immediate access to information. It's like being able to open any book in any library from your computer. You can look at (and print out) articles, documents, and pictures, and review current facts about news, weather, and sports that you may use in your everyday routine. In addition, e-commerce is a reality and the Internet has become another means of conducting business.

#### III. IT JPA WAN

The IT JPA WAN is one of the hundreds of thousands of networks that make up the Internet. The DP JPA Department of Information Technology has connected most of the district offices and many of the schools sites to the Internet through direct high speed connections within the IT JPA WAN. The IT JPA WAN provides information sharing and communication with the other districts and school sites. This network supports activities which will benefit all employees.

#### IV. GETTING STARTED

Before you begin to use the IT JPA WAN and its connection to the Internet, it is important that you understand the many consequences of this computer connection. It is also important that you understand that your use of this powerful tool is a privilege. It can provide you with countless hours of exploration and use, but like a driver's license, it is a privilege that can be taken from you for breaking the rules. The Internet does include some material that is not suited for business. The intent of San Joaquin County Office of Education Data Processing JPA (DP JPA) is for employees to use connections to the Internet only for purposes consistent with educational business, instructional, and curriculum purposes. Anyone who uses the network illegally or improperly will lose the privilege of using it. Additionally, you cannot use the IT JPA WAN for commercial, political, or for profitable services. This document will detail for you what is the proper way to use this communication tool.

## V. WHO IS WATCHING?

The Internet and IT JPA WAN are "public places." You must always remember that you are sharing this space with many others users. Potentially, millions of individuals at the same time may be interacting across the network. Your actions can be monitored by others on the network. If you use a particular service on the network chances are that someone knows the connections that you are making, knows about the computer shareware that you have borrowed, and knows what you looked at while you were in the system. Because these connections are granted to you as part of the larger scope of educational materials, the DP JPA reserves the right to monitor all traffic on the network. We do this to make sure that the network continues to function properly for all of its users.

## VI. SJCOE CONDUCT CODES

Your school district has Personnel Policies and Employee Handbooks for all employees that detail appropriate behavior, outline rights, and set expectations for employees. Because the IT JPA WAN is used as part of a work activity, the district's code of conduct applies to network activities as well. Therefore, the network use policy is an extension of the district's Personnel Policies and Employee Handbooks. These rules apply to vandalism of computer equipment, unauthorized access to information, computer piracy, and any tampering with hardware or software.

These rules also apply to the electronic use of harassing and abusive or obscene language. You may not use the network to annoy, harass, or offend other people.

**“Harassing” means to engage in a knowing and willful course of conduct directed at another which seriously alarms, annoys, or harasses another, and which serves no legitimate purpose. In addition, “harassment” shall also mean to subject another to unwelcome sexual advances, request for sexual favors and other verbal, visual or physical conduct of a sexual nature as set forth in California Education Code section 212.5**

Other types of damage and information loss to a computer system are viruses and worms. If you are responsible for a computer becoming infected with viruses or worms (caution should be exercised when copying files), you could be held liable.

## VII. MORAL AND ETHICAL ISSUES

The moral and ethical issues involving the use of world-wide information systems deal with the appropriate access to information, the type of information accessed, and the behavior of the user. The DP JPA wants to provide you with a stimulating environment, but at the same time, we want to protect you from information that is not appropriate for employees to use. The DP JPA wants you to use this valuable tool, but at the same time we cannot condone the use of inappropriate information on the Internet. We simply acknowledge the fact that these materials exist and then do everything we can to actively avoid them. We cannot weed out all of the materials that are unacceptable for educational purposes, but it should be clearly understood by all employees that access to such material in any form is strictly forbidden. The network is designed to achieve and support educational goals, and any information that does not support educational business, instructional, and curriculum programs is to be avoided.

Although the actual percentage of unacceptable materials is small, it is a cause for concern for employees.

## VIII. USING THE RESOURCES AND TRANSMITTING MESSAGES

It may seem that there is no limit to the resources on the Internet, but the IT JPA WAN has a limited capacity to handle traffic. This means the more users there are on the network, the more congested the network becomes. If there are too many users at any given time, the traffic on the network grinds to a crawl, just like a traffic jam on a freeway. Some users may be cut off altogether. Although the network may slow down, normally it will continue to function. The following list will help avoid gridlock on the Internet and the IT JPA WAN, and provides guidelines for the proper creation and transmission of documents and messages:

- Do not tie up the network with idle activities.
- Do not play games with others on the network or on the Internet.
- Do not download huge files from places half a globe away. Take only the information you want and need. The best thing to do is get into the Internet, get what you need, and get out. Remember, there are many individuals who need to use this system.
- Do not send lengthy materials or mail; be brief.
- Do not send messages to large audiences when a small audience is appropriate.
- Do not send documents with spelling errors and make sure that your message is easy to read and understand.
- Do not use vague or inaccurate titles or descriptions for your documents.
- Do not send messages in poor humor or taste.
- Do not fail to cite references for any facts you represent.
- Do not attack Internet correspondents; persuade them with facts. Don't forget, they are human beings.
- Do not post messages to unknown groups.
- Do not use e-mail for commercial purposes.

## **IX. EXPECTED BEHAVIOR**

You are expected to use the network to pursue intellectual activities, seek resources, and access libraries. We want you to explore and discover what is available. We want you to learn new things and share that newfound knowledge with your friends and colleagues.

For your own safety and for the safety of others, remember to exercise caution when you are communicating with people in the outside world. Do not give out your home phone number, your address, or credit card numbers to anyone. They do not need to have that information. If you feel there is a problem or if you feel uncomfortable with the information someone is giving you, notify your supervisor or Department of Information Technology immediately.

By the same token, you may not harass other users. You do not want to run the risk of breaking the law by bothering other people. If a user on the network asks that you no longer send them e-mail or in any other way contact him/her, you are obliged to stop all contact immediately. You may feel you have the right of freedom of expression, but others have the right to be free from harassment.

## **X. LEGAL ISSUES**

### **A. The Law**

The State of California passed a computer crime bill in December 1979. The bill added section 502 to the Penal Codes making it a felony to intentionally and without permission access any data, computer, computer system or network for the purpose of: (1) devising any scheme or artifice to defraud, deceive or extort or (2) wrongfully obtaining money, property, or data.

It is also a felony to knowingly and without permission access, add, alter, delete, damage, or destroy any computer, computer system, computer software, computer program, or data. Penalties includes fines up to \$10,000 and/or imprisonment in the state prison for up to 16 months or in the county jail for two or three years, or a fine of \$5,000 and/or imprisonment in the county jail for up to one year. Anyone committing acts of this kind will face police charges and disciplinary action. The person will be punished to the full extent of the law. Some examples of offenses are removing another user's accounts, changing other user's passwords, using an unauthorized account, damaging any files, altering the system, or using the system to make money illegally. You may not cause damage to any school site or district property. This includes the network system.

## B. Plagiarism

The dictionary defines plagiarism as "taking ideas or writings from another person and offering them as your own." The employee who leads readers to believe that what they are reading is the employee's original work when it is not is guilty of plagiarism. Credit should always be given to the person who created the article or idea.

Be careful when you are using the Internet. Cutting and pasting ideas into your own document is very easy to do. So, be sure that you give credit to the author. That way your supervisor will know which ideas are yours, and you won't be guilty of plagiarism.

## C. Copyright

Copyright is another issue altogether. According to the Copyright Act of 1976, "Fair Use" means that you may freely use any information that you legally find on the Internet as long as you do so only for scholarly purposes. You may not plagiarize or sell what you find.

Suppose, for example, that you find a copy of Microsoft Word on the Internet. Could you legally copy it? The answer is NO. This is copyrighted software. You have to purchase software packages before you use them legally. Suppose you find an article about the use of Microsoft Word on the Internet. Can you legally copy it? The answer is yes, as long as you give credit to the author and do not sell the article for profit.

## **XI. DP JPA POLICY**

The DP JPA declares unethical and unacceptable behavior just cause for taking disciplinary action, revoking networking privileges, and/or initiating legal action for any activity through which an individual:

- Uses the IT JPA WAN for illegal, inappropriate, or obscene purposes, or in support of such activities. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the network, and/or purpose and goal. Obscene activities shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communication vehicle.
- Uses the IT JPA WAN for any illegal activity, including violation of copyrights or other contracts violating such matters as institutional or third party copyright, license agreements, and other contracts.
- Uses the IT JPA WAN to access harmful matter.  
Penal Code section 313 defines "harmful matter" as "matter, taken as a whole, which 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, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."
- Intentionally disrupts network traffic or crashes the network and connected systems.
- Degrades or disrupts equipment or system performance.
- Uses IT JPA WAN or equipment for commercial or financial gain or fraud.
- Steals data, equipment, or intellectual property.
- Gains or seeks to gain unauthorized access to resources or entities.
- Forges electronic mail messages or uses an account owned by another user.
- Invades the privacy of individuals.
- Posts anonymous messages.
- Creates, distributes, or purposely activates a computer virus or worm.
- Uses IT JPA WAN to send or request racist, inflammatory, or sexist messages.
- Sends or requests messages or documents that are inconsistent with school or district policies, guidelines, or codes of conduct.
- Possesses any data which might be considered a violation of these rules in paper, magnetic (disk), or any other form.

A. Consequences of Violations

*Possible consequences of violations include, but are not limited to:*

- *Suspension of Internet access*
- *Revocation of Internet access*
- *Suspension of IT JPA WAN privileges*
- *Revocation of IT JPA WAN privileges*
- *Suspension of computer access*
- *Revocation of computer access*
- *Disciplinary action, up to and including termination of employment*
- *Legal action and prosecution by the authorities*

B. Remedies and Recourses

The district, school site, and DP JPA have the right to restrict or terminate network and Internet access at any time for any reason. The district and DP JPA have the right to monitor network activity in any form that it sees fit to maintain the integrity of the network.

# San Joaquin County Office of Education Data Processing JPA

## CONSENT AND WAIVER

The following form must be read and signed by you.

By signing the *Consent and Waiver* forms attached, I \_\_\_\_\_ (print name here) agree to abide by the following restrictions.

Further, I have been advised that the San Joaquin County Office of Education Data Processing (DP JPA) and district do not have control of the information on the Internet, although they attempt to provide prudent and available barriers. Other sites accessible via the Internet may contain material that is illegal, defamatory, inaccurate, or potentially offensive to some people. While the DP JPA's intent is to make Internet access available to further educational goals and objectives, account holders will have the ability to access materials which may not be appropriate and meet these goals and objectives. The DP JPA believes that the benefits to employees to access the Internet, in the form of information resources and opportunities for collaboration, far exceed any disadvantages of access.

The employee must understand that employee access to the IT JPA WAN is developed to support the district's responsibilities and mission. The specific conditions and services being offered will change from time to time. In addition, San Joaquin County Office of Education Data Processing JPA makes no warranties with respect to the IT JPA WAN service, and it specifically assumes no responsibilities for:

- A. The content of any advice or information received by an employee from a source, or any costs or charges incurred as a result of seeking or accepting such advice.
- B. Any costs, liability, or damages caused by the way the employee chooses to use his/her District Network access.
- C. Any consequences of service interruptions or changes, even if these disruptions arise from circumstances under the control of the DP JPA.
- D. While the DP JPA supports the privacy of electronic mail, employees must assume that this cannot be guaranteed.

By signing this form, I agree to the following terms:

- 1. My use of the IT JPA WAN must be consistent with the DP JPA and the district's primary goals.
- 2. I will not use the IT JPA WAN for illegal purposes of any kind.
- 3. I will not use the IT JPA WAN to transmit threatening, obscene, or harassing materials. The district and DP JPA will not be held responsible if I participate in such activities. In fact, by completing this contract, I agree that the DP JPA and district are not responsible for such behavior on my part.
- 4. I will not use the IT JPA WAN to interfere with or disrupt network users, services, or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer worms and viruses, using printers other than those designated in my department for employee use, and using the network to make unauthorized entry to any other machine accessible via the network.
- 5. I will not use the IT JPA WAN to access information or resources unless permission to do so has been granted by the owners or holders of rights to those resources or information. It is assumed that information and resources accessible via the IT JPA WAN are private to the

individuals and organizations which own or hold rights to those resources and information unless specifically stated otherwise by the owners or holders of rights.

The DP JPA and district make no warranties of any kind, whether express or implied, for the services it is providing. The DP JPA will not be responsible for any damages a user suffers. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by the DP JPA or the district's negligence or by user's error or omissions. Use of any information obtained via the Internet is at the user's own risk. The DP JPA and district specifically deny any responsibility for the accuracy of or quality of information obtained through its services. All users need to consider the source of any information they obtain and consider how valid that information may be.

In accordance with the Electronic and Communications Privacy Act of 1986, 18 USCS Section 2510, all employees are hereby given notice that there are no facilities provided by the IT JPA WAN for sending or receiving private or confidential electronic communications. All messages shall be determined to be readily accessible to the general public. Do not use this system for any communications which the sender intends only for the sender and intended recipients to read. By your use of the IT JPA WAN, you agree to hold harmless the DP JPA and district, thereof, against any and all claims arising out of said use, no matter the cause or fault.

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# Required Signatures

I understand and will abide by the provisions and conditions of this contract. I understand that any violations of the above provisions may result in disciplinary action, the revoking of my user account, and the appropriate legal action. I also agree to report any misuse of the information system to my supervisor or to the Department of Information and Technology. Misuse can come in many forms, but can be viewed as any messages sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, and other issues described in this document. All the rules of conduct described in district or school site policies, procedures, and handbooks apply when I am on the network.

**I understand that the e-mail account supplied by the Data Processing JPA (DP JPA) is not my personal e-mail and that it and it's content are solely the property of the DP JPA and can be viewed by those authorized by the DP JPA.**

Please complete all of the information below and route the Consent and Waiver portion of this document to your district technology coordinator or Data Processing JPA Board Member for final approval. Your Internet access and account will not be granted without the completion of all informational items listed.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

District: \_\_\_\_\_ School: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Employee Work Phone: \_\_\_\_\_ Employee Home Phone: \_\_\_\_\_

Employee Home Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

## DISTRICT REPRESENTATIVE

Employees must have the signature of the district representative who has read this contract.

As a representative of the district, I have read this contract and understand that it is designated for educational business, curriculum, or instructional purposes. I understand that it is impossible for the DP JPA or district to restrict access to all controversial materials, and I will not hold the DP JPA or district responsible for materials acquired on the IT JPA WAN. I also agree to report any misuse of the information system to the Department of Information Technology. Misuse can come in many forms, but can be viewed as any messages sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, and other issues described in this document .

Please complete all of the information below and route the Consent and Waiver portion of this document to Data Processing JPA Department of Information Technology for final processing.

District Representative (please print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_