

CONTRACTORS ACCEPTABLE USE AGREEMENT FOR ELECTRONIC RESOURCES & THE INTERNET

The Berkeley Unified School District ("District") recognizes the value of computers, tablets, cellular phones, personal electronic devices and other electronic resources, to improve student learning and enhance the administration and operation of its schools. To this end, the District encourages the responsible use of computers; computer networks, including the Internet; and other electronic resources in support of the mission and goals of the District and its schools.

District staff and contractors are reminded that the District e-mail system, email accounts, computer accounts and all other user accounts are owned by the District. All electronic mail activity utilizing the @berkeley.(etal) net server is monitored and logged. To provide for access to computer data when a contractor is absent, account login and passwords shall be provided to a supervisor or the Technology Director when requested. Computer use is provided for educational purposes and district activities; use of computers for personal use shall be minimal and comply with the restrictions listed below.

Contractors are reminded that written communications substantially related to District business – both those on District-provided electronic devices and those on personally owned devices including cell phones, tablets and computers – are subject to the California Public Records Act, and that contractors may be required to disclose such communications.

As used in this Agreement, "personal electronic devices" may include but are not limited to, cellular telephones, digital cameras or video recorders, electronic recording devices, tablets and portable laptop computers, or any other device with wireless capabilities. This Agreement is referenced in Board Policy 4040 Use of Technology and Administrative Regulation 4040.

Acceptable Use and General Rules of Usage

Use of District computers and other electronic resources or use of the wireless capability features of any personal electronic device is intended to be used in support of, and be consistent with, the educational standards and benchmarks of the District.

Users will be provided access to the Internet in accordance with the District Internet filtering and blocking measures. Every effort is made to log and monitor all web traffic for inappropriate or offensive content. The measures discussed below are in place to avoid access to inappropriate material that is not consistent with the educational standards or professional norms and benchmarks of the District. As necessary, the District will make determinations on whether specific uses of the network or personal electronic devices are consistent with the acceptable use practice.

1. *Acceptable Use*

- a. Exhibit exemplary behavior on the network or while using District electronic equipment and while using the wireless capability features of any personal electronic device.
- b. Network accounts are to be used only by the authorized user of the account for authorized purposes.
- c. For District contractors provided with email, the email is considered a regular avenue of communication and should be checked by contractors frequently.
- d. Communications and information accessible via the network are subject to monitoring and/or review at any time and should not be assumed to be private and can be subpoenaed.
- e. Under the California Public Records Act, in addition to the District compliance with request for records, a contractor may be required to provide a copy of anything the contractor has written if it relates to District business in a substantive way and if it does not fall into any of the specific categories of records that are exempt from disclosure under the Act. The requirement applies to writing not only on District devices but also on personal devices, according to a California Supreme Court ruling issued in March 2017. The requirement applies to all forms of writing, including emails and texts as well as documents and other types of written communication.
- f. Any contractor, upon learning of an inappropriate use or a compromise (a breach, unauthorized access, suspected unauthorized changes, deletions, additions, or viewing) of one or more of the District's Enterprise Data Systems (the Student Information System, the Achievement database, the Finance and HR systems, email system, file storage and sharing systems, network servers; or any other system used within the District such as School Messenger or Remind) or the district network has potentially occurred, shall immediately notify his or her supervisor who shall notify the appropriate Associate Superintendent and the Director of Technology to initiate a prompt investigation.

2. *Unacceptable Use*

- a. Use of the District's systems, network or technology resources for any unlawful purpose is prohibited.
- b. Any use of the District systems or technology resources for business or commercial purposes is prohibited.

- c. Contractors may not use the assigned email address (@contractor.berkeley.net), the District email system, or technology resources to endorse particular candidates or urge passage or defeat of ballot measures.
- d. Excessive use of the District systems or technology resources for personal activities is prohibited.
- e. Use of the network or personal electronic devices to intentionally access or process pornographic or adult sites with explicit sexual content or other inappropriate or derogatory material, is prohibited.) Inappropriate texting or messaging is prohibited, including discrimination, harassment, intimidation and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression; nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Board Policy 0410, Board Policy 1311, Board Policy 4119.11 Board Policy 4030, Board Policy 5145.3, Board Policy 5145)
- f. Making copies of any district software is prohibited except as permitted by the Technology Department and applicable licensing agreements.
- g. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
- h. Malicious use of the District's systems or technology resources to develop or use programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.

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3. *Contact with Students and Families*

- a. All electronic communication with students and families shall be only for the furthering of the student's academic career, and should be done through the district's email system or District-approved channels such as Google Suite, School Messenger or Remind. Contact with individual students through social networking sites such as Facebook, Instagram, SnapChat and should be avoided.
- b. All photography or video recording of students or families shall be done in alignment with Board Policy and Administrative Regulation 1113 to protect the privacy of students.

4. *Websites, Blogs and Social Media* :

- a. Web sites and pages for district programs must maintain a consistent “look and feel” across *all* pages and have consistent navigation with current BUSD banner and menus. Any links to non-BUSD material must be through clearly-marked navigational links, and only to sites that do not violate any BUSD policy.
- b. BP 1113/AR 1113 shall guide the creation and use of school and district websites. Contractors shall not develop any classroom or work-related web sites, blogs, social media, forums, or similar online communications representing the district or using district equipment or resources without permission of the Principal, Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited, to copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content, and the need to post a notification of the district’s non-discrimination policy. Because of the unfiltered nature of social media, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete, or demand deletion of materials on any such online communications.

5. *Integrity of Confidential Data*

- a. It is strictly prohibited to give out personal or confidential information about another contractor or student, including home address, phone number, special education or 504 status, lunch status, or other data without appropriate authorization.
- b. Users shall not disclose student information for any purpose other than a legitimate educational purpose, or as otherwise permitted by law. Protections of student privacy as outlined in BP 5111.3 also apply.
- c. Users shall not download confidential student or contractor information onto laptops, desktops or other portable storage devices without authorization. Authorized loading of confidential information onto laptops or other portable storage devices should only be done utilizing secure encryption.

6. *Logins and Network Credentials*

- a. Users shall only use accounts assigned to them and shall not attempt to log-in to accounts or systems for which they do not have authorized access.
- b. Users shall not allow others to use their accounts, except for limited purposes as authorized by their supervisor.

- c. The District network: No use of the District's systems or technology resources shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed or abused in any way. Modifications to system configurations should not be made without written authorization from Technology Services.
- d. Plugging in any wireless access points or other devices into the network unless approved and authorized by Technology Services is prohibited.

7. Downloading of Files and Software

- a. The unauthorized installation of any software, including shareware and freeware, for use on Berkeley Unified School District computers is prohibited. Contact the Technology Department in advance for authorization.
- b. Use of the network or personal electronic devices to intentionally access or process files dangerous to the integrity of the local area network is prohibited.
- c. The District network may not be used for downloading entertainment software, music, videos or other files not related to the mission and objectives of the District. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the District.

8. Copyright Laws

- a. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except when duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law.

9. Use of Cellular Phones

- a. Vehicle Code 23125 prohibits a school bus driver from using a cell phone while driving, except for work-related or emergency purposes. In addition, Vehicle Code 23123, as amended by SB 1613 (Ch. 290, Statutes of 2006), prohibits any person, beginning July 1, 2008, from using a cell phone while driving unless using the phone in hands-free mode.
- b. Any contractor that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.