Purpose

The purpose of this policy is to define expectations and set forth terms for access to and appropriate use of the school’s systems, equipment, software, accounts, and digital resources or electronic communications to, from, or for the school (henceforth referred to as MNOHS Systems) including its learning management system (LMS), student information system (SIS), webinar, software and external networks and services used by MNOHS students, parents, student guardians, faculty, and staff for normal participation in the academic program, the school community and/or the execution of professional or assigned duties. This policy defines the acceptable and safe use of all electronic communications, resources and equipment connected to the Internet.

Policy

Access to MNOHS Systems and the Internet is contingent upon a student, parent, guardian, volunteer, and employee following all school policies, including but not limited to the following policies:

- Attendance
- Bullying Protection
- Harassment and Violence
- Academic Honesty
- Public and Private Personnel Data

In making decisions regarding any level of access to MNOHS Systems and Internet resources including any electronic communications to, from, or for the school, the school will balance an individual’s need for access to MNOHS Systems with an individual’s compliance with school policies.

Limited Educational or Professional Purpose

The school provides students, parents, guardians, contractors, volunteers and employees with access to MNOHS Systems with a limited educational purpose, which includes use of these systems for assigned...
course and other educational activities, educational research, community participation, and the fulfillment of professional duties or career development activities. Uses which might be acceptable on a user’s private personal account on another system may not be acceptable on MNOHS Systems provided for this limited purpose.

**Use of MNOHS Systems is a Privilege**

The use of the MNOHS Systems is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations of this or other school policies, unacceptable use of MNOHS Systems 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 school district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

**Unacceptable Uses**

A. The following are examples of what would be considered unacceptable while using MNOHS Systems:

1. Users will not use any MNOHS System to access, review, upload, download, store, print, post, receive, transmit or otherwise 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 educational setting or disruptive to the educational process;
   d. information or materials that could cause damage or danger of disruption to the educational 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 MNOHS Systems 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 MNOHS Systems to engage in any illegal act or violate any local, state or federal statute or law.
4. Users will not use MNOHS Systems 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 any MNOHS System or wiring or take any action to violate the school’s security systems, and will not use a MNOHS System in such a way as to disrupt the use of MNOHS Systems by other users.

5. Users will not use MNOHS Systems to gain unauthorized access to information resources or to access another person’s materials, information or files without the direct permission of that person.

6. Users will not use MNOHS Systems 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, school 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.

7. Users will not attempt to gain unauthorized access to any MNOHS System or any other external system through any MNOHS System attempt to log in through another person’s account, or use accounts, access codes or network identification other than those assigned to the user. Messages and records on MNOHS Systems may not be encrypted without the permission of the Executive Director.

8. Users will not use MNOHS Systems 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 unauthorized downloading or exchanging of software or media files or copying software or media files to or from any MNOHS System, and will not plagiarize works they found on or off the Internet or gain access to plagiarized or otherwise illegally distributed work.

9. Users will not use MNOHS Systems for conducting business, for unauthorized commercial purposes or for any personal gain unrelated to the mission of the school. Users will not use MNOHS Systems to develop, offer or provide goods or services or for product advertisement or to purchase goods or services for personal use without authorization from the Executive Director.
B. If a user inadvertently accesses unacceptable materials or an unacceptable Internet site, the user shall immediately disclose the inadvertent access to a faculty member, a school counselor, Dean of Academic Programming or the Executive Director as appropriate. In the case of a school employee, the immediate disclosure shall be to the employee’s immediate supervisor and/or that person’s 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 a school employee, the employee’s immediate supervisor. In all cases, a disclosure must be sent within 24 hours to the Executive Director.

Filter

A. With respect to MNOHS Systems and its curriculum, the school will vet outside resources it uses for its curriculum and develop and continually revise procedures to realistically remove or otherwise limit the opportunity to access to inappropriate and unacceptable content.

B. It is the responsibility of the parent or guardian to monitor the online activities of minors and employ technology protection measures during any use of MNOHS Systems by minors when students are accessing the Internet through their own equipment and Internet connection.

C. When students access MNOHS Systems from a MNOHS physical office, it is the responsibility of the school to actively filter or otherwise ensure that 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 may disable the technology protection measure, during use by an adult, to enable access for bona fide research or other lawful purposes.
Consistency with Other School Policies

Use of MNOHS Systems and use of the Internet shall be consistent with school policies and the mission of the school.

Terms of Use and Limited Expectation of Privacy

A. By authorizing use of MNOHS Systems, the school does not relinquish control over materials on MNOHS Systems or contained in files created or transmitted using MNOHS Systems. Users should expect only limited privacy regarding the content contained in personal files and communication created, stored or transmitted using MNOHS Systems.

B. Routine maintenance and monitoring of MNOHS Systems may lead to a discovery that a user has violated this policy, another school policy, or the law.

C. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school policy.

D. Parents of students under the age of 18 have the right at any time to investigate or review the contents of their student’s files and e-mail files. Parents have the right to request the termination of their child’s individual account(s) at any time with the understanding that such termination may prevent the student from fully participating in the academic program.

E. School employees and contractors should be aware that the school retains the right at any time to investigate or review the contents of their files and e-mail files. In addition, employees and contractors should be aware that data and other materials in files maintained or generated with MNOHS Systems may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

F. The school 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 school policies conducted through the school systems.

G. MNOHS is not liable for damage to equipment not issued by MNOHS to access and communicate with MNOHS Systems. Use of personal equipment by students, parents/guardians, volunteers, contractors, and employees to access MNOHS Systems and create or store content necessary for contractual duties may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

H. Use of personal equipment to create and store content “off system” (e.g. store a file or e-mail locally) by employees or contractors in the course of performing contractual duties is expressly forbidden unless permission is granted by the Executive Director and may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

I. The use of MNOHS Systems for personal use beyond limited communication with family members and limited checking of personal accounts is expressly forbidden unless permission is granted by the Executive Director. Permission must be renewed prior to the start of the first day of school.
J. Using MNOHS Systems to access personal accounts and engage in personal communications may subject those accounts and communications to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

K. By signing the MNOHS Systems Acceptable Use Agreement, the signatories agree to abide and enforce this policy.

Internet and MNOHS Systems Acceptable Use Agreement

A. The proper use of the Internet and MNOHS Systems, and the educational value to be gained from proper Internet and MNOHS Systems use, is the joint responsibility of students, parents and employees of the school.

B. The Acceptable Use Agreement form for students must be read and signed by the user, and the parent or guardian. The Acceptable Use Agreement form for employees must be signed by the employee. Each form must then be filed in the student’s cumulative or employee’s personnel file.

Limitation on School District Liability

Use of MNOHS Systems is at the user’s own risk. MNOHS Systems are provided on an “as is, as available” basis. The school will not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on MNOHS Systems or “off system” or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The school is not responsible for the accuracy or quality of any advice given by its employees or information obtained through or stored on MNOHS Systems. The school will not be responsible for financial obligations arising through unauthorized use of MNOHS Systems or the Internet.

User Notification

A. All users shall be notified of the school policies relating to the use of the Internet and MNOHS Systems.

B. This notification shall include the following:

1. Notification that Internet and MNOHS Systems use is subject to compliance with school policies.

2. Disclaimers limiting the school’s liability relative to:
   a. Information stored on or created with MNOHS Systems.
   b. Information retrieved through MNOHS Systems.
   c. Personal property used to access MNOHS Systems or external online resources.
   d. Unauthorized financial obligations resulting from use of MNOHS Systems.
3. A description of the privacy rights and limitations of school sponsored/managed Internet accounts.

4. Notification that, even though the school may use technical means to limit student access to material deemed by school personnel or parents to be harmful, 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 the Public and Private Personnel Data Policy, and the Protection and Privacy of Pupil Records Policy.

7. Notification that, should the user violate the school’s acceptable use policy, the user’s access privileges may be revoked, school 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.

Parents’ Responsibility; Notification of Student Internet Use

A. Outside of the MNOHS office and other physical sites supervised by MNOHS faculty and staff, 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 MNOHS Systems and of the Internet if the student is accessing MNOHS Systems from home or another remote location other than a MNOHS office or location temporarily designated for an official MNOHS function.

B. During the application process, parents and students will be notified that all students will be required to use and access MNOHS Systems and the Internet in their courses.

This notification should include:

1. A description of parent/guardian responsibilities.

2. A statement that the Internet Use Agreement must be signed by the user, and the parent or guardian prior to use by the student.

3. A statement that the school district’s acceptable use policy is available for parental review.

Implementation; Policy Review

A. The school administration may develop appropriate forms, responsibilities of different roles (e.g., the responsibility of a parent/guardian, student, etc), guidelines and procedures necessary to implement
this policy for submission to the school board for approval. Upon approval by the school board, such
guidelines, forms and procedures shall be an addendum to this policy.

B. The school’s administration shall revise the user notifications, including student and parent
notifications, if necessary, to reflect the adoption of these guidelines and procedures.

C. The school policies and procedures are available for review by all parents, guardians, staff and
members of the general public.

D. Because of the rapid changes in the development and adoption of new and existing MNOHS
Systems, the school board shall conduct a periodic review of this policy.

Legal References:

17 U.S.C. § 101 et seq. (Copyrights)
Children’s Internet Protection Act of 2000 (CIPA) 47 U.S.C. § 254
47 C.F.R. § 54.520 (FCC rules implementing CIPA)
Title III of the Elementary and Secondary Education Act of 1965, 20 U.S.C.
§1601, et seq., as amended
Minn. Stat. §§ 125B.15 and 125B.25

Cross References:

Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Policy 406 (Public and Private Personnel Data)
Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by
Students and Employees)
Policy 506 (Student Discipline)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 519 (Interviews of Students by Outside Agencies)
Policy 521 (Student Disability Nondiscrimination)
Policy 522 (Student Sex Nondiscrimination)
Policy 603 (Curriculum Development)
Policy 604 (Instructional Curriculum)
Policy 606 (Textbooks and Instructional Materials)
Policy 804 (Bomb Threats)

Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)