



## **5.8 TECHNOLOGY POLICY**

### **5.8.1 Cyber Bullying/Prohibited Use of Technology**

#### **I. PURPOSE**

OHMCS strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, at school sponsored activities and when using school equipment and technology. Bullying has a harmful social, physical, psychological and academic impact on bullies, victims and bystanders. OHMCS consistently and vigorously addresses bullying in all of its forms, so that there is no disruption to the learning process or learning environment.

#### **II. GENERAL STATEMENT OF POLICY**

OHMCS' computer network and the Internet, whether accessed on campus or off campus, may not be used for the purpose of harassment of any kind. All forms of harassment over the Internet, commonly referred to as "cyberbullying", are unacceptable and viewed as a violation of this policy and OHMCS' acceptable computer use policy and procedures.

#### **III. DEFINITIONS**

A. "Use of technology" includes, but is not limited to the following:

1. Sending or posting e-mail or other messages;
2. Sending text messages;
3. Sending or posting pictures or images;
4. Website postings;
5. Blogs; or



6. Any phone or computer applications with messaging or posting capabilities.
- B. "Sexting" includes, but is not limited to, the act of sending, receiving, viewing, or reading any sexually explicit text messages, photo messages, video messages, or voice messages. Sexting is considered inappropriate for the school setting and is therefore prohibited in communications involving any OHMCS technology. Sexting may also be disciplined if the action constitutes cyberbullying as defined below.
  - C. "Threats" are actions that a reasonable person would interpret as a serious expression of an intent to cause a present or future harm.
  - D. "Cyberbullying" includes the use of technology to:
    1. Communicate a threat;
    2. Stalk;
    3. Terrorize students or staff; or
    4. Other speech that creates a hostile environment based on race, gender, religion or sexual origin for students or staff; or
    5. Any other form of communication that causes:
      - a. A substantial disruption of or material interference with the work of the school;
      - b. A communication that substantially interferes with or impinges upon the rights of other students or staff; or
      - c. Violates OHMCS' policies prohibiting bullying and harassment.
  - E. "Reasonable likelihood of disruption" cyberbullying as defined above may be disciplined if:
    1. The speech creates a foreseeable risk of material disruption to the work of the school; or



2. The speech creates a foreseeable risk of interference with the rights of others.

#### **IV. MONITORING OF STUDENT INTERNET USE, RECORDS, AND FILES**

- A. OHMCS students have a limited expectation of privacy on OHMCS' Internet system. Students should expect routine maintenance and monitoring by technical support and by staff.
- B. An individual search of computer and Internet use records can be conducted by OHMCS administration if there is reasonable suspicion that the student has violated OHMCS' policy, including policies against cyberbullying and sexting.

#### **V. RESPONSE TO REPORTS OF CYBERBULLYING**

The administration shall fully investigate all reports of cyberbullying. Students and community members who believe they have been the victims of misuses of technology described in this policy should not erase the offending material from the system. A copy of the material should be saved or printed and brought to the attention of the school administrator.

#### **VI. DISCIPLINE**

Disciplinary action may include the loss of computer privileges, suspension, or expulsion for verified perpetrators of cyberbullying or sexting. In addition, when any kind of threat is communicated or when a hate crime is committed, the administration will report such crimes to local law enforcement officials.

#### ***Legal References:***

Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)



Minn. Stat. § 121A.0311 (Notice of the Rights & Responsibilities of Students & Parents under the Safe & Supportive Minnesota Schools Act)

## **5.8.2 Use of Internet**

### **I. PURPOSE**

OHMCS offers a computer network with Internet access for students, teachers, and staff. The network and other technological resources provide opportunities to enhance instruction, appeal to different learning styles and meet the educational goals of OHMCS. Through OHMCS' technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

### **II. GENERAL STATEMENT OF POLICY**

- A.** This policy applies to all students and employees (including teachers, administrators, and staff), as well as any other users who are expressly authorized by OHMCS to use school technological resources, including, but not limited to, board members, contractors, consultants, and temporary workers.
- B.** OHMCS' technological resources may include, but are not limited to, computers, interactive whiteboards, mobile devices, websites, networks, servers, the Internet, phones, copiers, facsimile machines, televisions and video-recorders, audio-visual equipment, e-mail accounts, and licensed software.
- C.** Acceptable uses of technological resources are limited to activities that support learning and teaching, except when otherwise specifically authorized by OHMCS in the best interest of the school. Use of technological resources should be integrated into the educational program.
- D.** Use of OHMCS' technological resources and access to the use of the Internet in school are a privilege and not a right. Misuse of the system will subject the



staff or student to discipline which will depend on the nature and degree of the violation and the number of previous violations. Discipline for students will be in accordance with other policies and school rules and may include:

1. Suspension or cancellation of use or access privileges;
  2. Requiring payment for damages and repairs; and
  3. Civil or criminal liability under applicable laws.
- E. All staff are expected to use technological resources and participate in the necessary training for the proper performance of their duties.
- F. OHMCS will provide instruction to students regarding the proper use of technological resources including, but not limited to:
1. Appropriately interacting with others on social media;
  2. Appropriately interacting with others on the Internet;
  3. Appropriately posting information on the Internet or on individual websites;
  4. Appropriate use and limitation of free speech on the Internet;
  5. Cyberbullying prohibition, awareness of signs of cyberbullying behavior and assistance from OHMCS and elsewhere to students who believe themselves or others to be targets of cyberbullying; and
  6. Appropriate use of copyrighted and non-copyrighted material found on the Internet.

### **III. GUIDELINES FOR ACCEPTABLE USE**

- A. OHMCS technological resources are provided for school-related authorized purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support teaching and learning. Use of school system technological resources for commerce or profit is prohibited. OHMCS technological resources shall not be used for charitable endeavors without prior approval of the Executive Director or



- Designee. OHMCS technological resources shall not be used for political purposes.
- B. Under no circumstance may software purchased by OHMCS be copied for personal use. Users must obtain permission prior to copying or loading OHMCS software onto any computer, whether the computer is privately owned or is a OHMCS computer.
  - C. Students and employees must comply with all OHMCS policies, administrative regulations, and school standards and rules in using technological resources. All applicable laws, including those relating to copyrights and trademarks, confidential information, and public records, apply to technological resource use. Any use that violates state or federal law is strictly prohibited. All rules of the Student Code of Conduct apply to students' use of the Internet and other technological resources.
  - D. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.
  - E. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
  - F. Users must respect the privacy of others. When using e-mail, blogs or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as the home address, telephone number, credit or checking account information or social security number of themselves or fellow students. In addition, school employees will follow the guidelines of the Family Educational Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 and/or OHMCS Policy 502: Student Educational Data when publishing student information. School employees will follow the Minnesota Government Data Practices Act and OHMCS Policy 403: Public and Private Personnel



- Data when publishing employee data. Users also may not forward or post personal communications without the author's prior consent.
- G. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks and/or data of anyone connected to the server or the Internet or waste computer resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Antivirus software will be provided for all OHMCS owned or leased computers. Users must not disable any antivirus programs from running on those computers.
  - H. Users may not create, download, or introduce entertainment software, games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the Executive Director or Designee. 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 OHMCS.
  - I. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
  - J. Users are prohibited from using another individual's computer account. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without appropriate authorization or the owner's express prior permission. In addition, employees shall not share or reveal their passwords or user IDs for any data system. All employees are responsible for safeguarding their user IDs and passwords.
  - K. If a user identifies a security problem on a technological resource, the user must immediately notify a supervisor without demonstrating the problem to other users. Unauthorized attempts to log onto any OHMCS computer or the OHMCS network as a system administrator may result in cancellation of user privileges and/or additional disciplinary action. Any user identified as a



security risk or having a history of problems with other computer systems may be denied access.

- L. Views may be expressed as representing the view of OHMCS or part of OHMCS only with prior approval by the Executive Director or Designee.
- M. OHMCS technological resources may not be used to interfere with or disrupt other users, services, or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer viruses, distribution of large quantities of information that may overwhelm the system, posting personal or private information about the user or other people on the Internet, arranging or agreeing to meet with someone the user has met on-line for purposes other than official school business, posting information that could be disrupting, cause damage, or endanger students or staff, and accessing chat-rooms or instant messaging software, unless for a valid educational purpose or official school business.
- N. Using OHMCS computers for illegal, harassing, or inappropriate purposes, or in support of such activities, is prohibited. Illegal activities are any violations of federal, state, or local laws and include, but are not limited to, copyright infringement and/or illegal file sharing, committing fraud, threatening another person, or intentionally engaging in communications for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing another person. Harassment includes, but is not limited to, slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, visual depictions, pranks, or verbal conduct relating to an individual that (1) have the purpose or effect of creating an intimidating, hostile or offensive environment; (2) have the purpose or effect of unreasonably interfering with an individual's work or school performance; or (3) interfere with school operations. Inappropriate use is any violation of other provisions of this policy and includes, but is not limited to, using another person's ID or password, plagiarizing; accessing, producing, storing, posting, sending, displaying, or viewing inappropriate or offensive material, including pornographic, obscene, discriminatory, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually suggestive



language or images, or images of exposed private body parts, and accessing material advocating illegal acts of violence, including hate literature.

#### **IV. INTERNET SAFETY**

OHMCS is aware that there is information on the Internet that is not related to the educational program. OHMCS also is aware that the Internet may provide information and opportunities to communicate on subjects that are not suitable for school-age children and that many parents would find objectionable. OHMCS personnel must take reasonable precautions to prevent students from having access to inappropriate materials, such as violence, nudity, obscenity or graphic language that does not serve a legitimate educational purpose. The Executive Director or Designee shall ensure that the Internet service provider or technology personnel have installed a technology protection measure that blocks or filters Internet access to audio or visual depictions that are obscene, that are considered pornography or that are harmful to minors. Employees may have a different level of blocks or filters based on OHMCS guidelines.

#### **V. LIMITED EXPECTATION OF PRIVACY**

By authorizing the use of OHMCS technological resources OHMCS does not relinquish control over the material on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the OHMCS system.

- A. Routine maintenance and monitoring may lead to a discovery of violation of this policy or another OHMCS policy, or the law.
- B. An individual search or investigation will be conducted if OHMCS administrators or board members have a reasonable suspicion that the search will uncover a violation of law or OHMCS policy.
- C. Parents have a right, at any time, to review or investigate the contents of their child's files and e-mail files.



- D. Parents have the right to request the termination of their child's individual account at any time.
- E. OHMCS employees and other staff should be aware that OHMCS retains the right, at any time, to investigate or review the contents of their files or email files.
- F. OHMCS reserves the right to take appropriate disciplinary action based upon the user's inappropriate or illegal use of technological resources or use that is in violation of this policy. Information in electronic messages is not anonymous and may be subject to disclosure to third parties under state and/or federal law in certain circumstances.

## **VI. IMPLEMENTATION**

- A. The Executive Director or Designee is authorized to promulgate administrative procedures to implement this policy.
- B. OHMCS will inform parents of the individual student's responsibility to use technological resources in an ethical and educationally appropriate manner.
- C. The Board of OHMCS will conduct an annual review of this policy due to rapid changes in the development of the Internet and other technology.

### ***Legal References:***

- 15 U.S.C. § 6501, et. seq. (Children's Online Privacy Protection Act)
- 47 U.S.C. § 254 (Children's Internet Protection Act of 2000)
- Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)
- Minn. Stat. § 125B.15 (Internet Access for Students)
- Minn. Stat. § 125B.26 (Telecommunications/Internet Access Equity Act)

### **5.8.3 Use of Social Media in School**

#### **I. PURPOSE**

The purpose of this policy is to set forth expectations regarding student use of



social media.

## **II. GENERAL STATEMENT OF POLICY**

The Board recognizes that social media can be a useful tool for students in the educational process. Safe, caring, and effective learning environments depend on students demonstrating respect for themselves and others and using social media in a manner that will not detract from the learning process.

## **III. STUDENT USE OF SOCIAL MEDIA**

- A. OHMCS may provide access to designated social media sites deemed appropriate for students, solely for bona fide instructional purposes, on OHMCS computers, tablets, or other mobile devices. The school's Executive Director shall designate the social media sites deemed appropriate. A list of these sites will be made available to the public. Where access to designated social media sites is provided, school administration shall have access to and may regulate such use.
- B. Whether the communication occurs on or off school grounds or equipment, OHMCS prohibits communication(s) by students over social media that do or reasonably can be anticipated to create a hostile educational environment or substantially interfere with another student's educational opportunities, benefits, performance, or with a student's or staff member's physical or psychological well-being, or are threatening or seriously intimidating, or substantially disrupt the school learning environment or the orderly operation of a school.
- C. Student misuse of social media that does or reasonably can be anticipated to create a hostile educational environment or substantially interfere with another student's educational opportunities, benefits, performance, or with a student's or staff member's physical or psychological well-being, or is threatening or seriously intimidating, or substantially disrupts the school learning environment or the orderly operation of a school shall be subject to discipline up to and including suspension or expulsion.
- D. Students shall not use social media to communicate with staff. The school's Executive Director may make exceptions to this rule only where such use is regulated and monitored by school administration and by the students' parents/guardians, and the use is for the purpose of furthering a bona fide OHMCS educational purpose.
- E. Students shall not accept personal invitations from staff members to use social media. Any staff member extending such an invitation to a student shall be subject to disciplinary consequences, up to and including termination.



- F. Students shall abide by Board Policy, Administrative Regulation, the Student Code of Conduct, and all local, state and federal laws at all times in their use of social media.

#### **IV. DEFINITIONS**

- A. Social Media. Any online or Internet based platform that allows interactive communication between persons or entities on social networks, blogs, websites, application software, Internet forums, wikis, and the like.
- B. Misuse of Social Media. Whether on or off school grounds or equipment, the use of social media in a manner that demeans, threatens, condemns, humiliates, or berates others, including students and staff, incites violence of any kind, embarrasses, defames, harasses or bullies others, including students and staff (as “harass” and “bully” are defined by school policy or regulation), or in any manner violates the school Code of Conduct, Board Policy or regulation, or local, state or federal laws.
- C. Staff or Staff Members. Includes any full or part-time employee, extra-curricular coach or advisor, or volunteer of OHMCS.

#### **V. REPORTING MISUSE OF SOCIAL MEDIA**

- A. Staff members shall immediately report any misuse of social media to the Executive Director for investigation. If the incident involves the safety or security of a student or staff member, law enforcement should be called immediately.
- B. Whenever the misuse of social media involves cyber-bullying, the school administrator should complete the investigation as outlined in the school’s policy and regulations on cyber-bullying.
- C. If the misuse of social media constitutes a delinquent act, the misuse shall be reported promptly to the responsible law enforcement agency.
- D. Students are encouraged to report the misuse of social media, including communications or invitations to communicate with staff members over social media, to a school administrator.

#### **VI. VIOLATION**

- A. Students who violate this policy may be subject to discipline up to and including suspension or expulsion.
- B. No student who reports the misuse of social media to a school administrator in good faith shall be the subject of reprisal in any manner. If a student believes he



or she is the subject of reprisal, the student and/or his or her parent/guardian is encouraged to report the reprisal immediately to the school's Director.

***Legal References:***

Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)

Minn. Stat. §§ 121A.40 to 121A.56 (Pupil Fair Dismissal Act)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)

*Tatro v. Univ. of Minnesota*, 800 N.W.2d 811, 816 (Minn. Ct. App. 2011)