

Edward Marquez, Chief Financial Officer
Financial Affairs

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
INITIAL READING 6Gx13- 4C-1.064, POLICY FOR UTILIZATION OF
THE E-MAIL SYSTEM**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS, AND
PERSONNEL SERVICES**

In February of 2002, the District initiated a district-wide e-mail system as an efficient, cost effective means of communication. In order to ensure that all users of the District e-mail system understand and comply with accepted standards of behavior for electronic communications, the Policy for the Utilization of the E-mail System was developed and is being submitted for consideration by the Board.

The Policy for the Utilization of the E-mail System defines acceptable and unacceptable uses, user expectations, consequences of inappropriate use, and message retention requirements.

Attached are the Notice of Intended Action and the proposed new rule.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of new School Board Rule 6Gx13- 4C-1.064, Policy for Utilization of the E-mail System.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 4C-1.064, Policy for Utilization of the E-mail System.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 2004, its intention to promulgate new School Board Rule 6Gx13- 4C-1.064, Policy for Utilization of the E-mail System, at its meeting of August 18, 2004.

PURPOSE AND EFFECT: To establish a policy for the use of Miami-Dade County Public Schools' e-mail system.

SUMMARY: To define acceptable and unacceptable uses, user expectations, consequences of inappropriate use, and message retention requirements of the District e-mail system.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

LAW IMPLEMENTED OR MADE SPECIFIC: 815.04; 815.06; 1012.23; 1012.27(6)F.S.

IF REQUESTED A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 18, 2004, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 9, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION MADE BY The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Deborah Karcher
Supervisor: Mr. Edward Marquez
Date: June 30, 2004

Activities

POLICY FOR UTILIZATION OF THE E-MAIL SYSTEM

Purpose of the Rule

The purpose of this rule is to establish a policy for the use of Miami-Dade County Public Schools (M-DCPS) electronic email (e-mail) system. This policy applies to any and all electronic messages composed, sent or received by any authorized District user. Authorized users of e-mail, hereafter, referred to as users, are defined as employees, temporary or contract employees, and any other individuals or groups issued District e-mail accounts.

Purpose of District E-Mail

E-mail is an official means of communication within Miami-Dade County Public Schools. The District encourages the use of e-mail as a convenient, timely, and cost-effective communications medium. The purpose of providing an e-mail system to District employees is to assist in the furtherance of the School Board's business needs, mission, and goals. Employees who use the District e-mail services are expected to do so responsibly, that is, to comply with Florida and Federal Laws, with the policies and procedures of the District, and with established standards of professional conduct and personal courtesy.

I. Acceptable Use of District E-mail Services

Utilization of District e-mail by employees must be in support of and consistent with the objectives of the District. When utilizing District e-mail, all users must be aware of and understand the standards by which M-DCPS expects and requires users to conduct themselves. All users must understand that these established standards apply to the use of all District e-mail. These standards are delineated more fully in, among other things, the *Code of Ethics for the Education Profession in the State of Florida*, *The Principles of Professional Conduct for the Education Profession in Florida*, the *M-DCPS Electronic-Handbook*, School Board Rule 6Gx13-4A-1.21, Permanent Personnel Responsibilities and Duties, School Board Rule 6Gx13- 6A-1.112, Acceptable Use Policy for the Internet, and M-DCPS Network Security Policy. Accordingly, all users must familiarize themselves with all applicable standards. An employee's failure to familiarize himself or herself with these guidelines will not constitute a viable defense to or be considered as a mitigating factor to a charge that said employee has violated this rule.

II. Unacceptable Use of District E-mail Services

Authorized users of the e-mail system may not utilize the District's e-mail system to perform any action or transmit any communication that they would otherwise be prohibited from doing in any other medium of communication.

Unacceptable and prohibited uses of District e-mail services include, but are not limited to:

- A. Using profanity, obscenity, or other language which may be offensive to another user or any matter deemed to be obscene.

Obscene material is that material which: 1) the average person, applying contemporary community standards, would find, taken as a whole appeals to prurient interests; 2) depicts or describes in a patently offensive way, sexual conduct as defined by state law; 3) or taken as a whole lacks serious literary, artistic, political, or scientific value.

- B. Transmitting any material that is in violation of Federal, State, and local laws, or of M-DCPS School Board rules, regulations, or guidelines. This includes, but is not limited to, material that contains statements that would tend to violate an individual's civil or constitutional rights or constitute harassment or trade secrets or copyrighted material without the consent of the owner or copyright holder.

- C. "Spoofing" where spoofing is defined as the act of disguising the sender of an e-mail by replacing the name in the "from" or header fields, sending e-mails while signed on as a different user, or otherwise intentionally misleading the recipient as to the identity of the actual sender.

- D. Sending anonymous e-mail.

- E. Engaging in any activity designed to view the e-mails of other individuals without authority or permission.

- F. Using the District's global distribution lists for purposes that are not work related.

- G. Initiating or forwarding "chain-letters" or petitions.

- H. Utilizing the e-mail system for political activities. School Board Rule 6Gx13-1C-1.06, Politics--Participation of Staff, governs the use of e-mail for political activities. In addition to the prohibition against using the District's e-mail system to provide publicity for any candidate for public office, users are forbidden from using the District's private network for lobbying, campaigning, or soliciting on behalf of any candidate for public office or using e-mail to

support or oppose a political position or to engage in political activity. Please refer to this Board rule for a more detailed explanation of these prohibitions.

- I. "Spamming," or the sending of unwanted, unsolicited and/or unnecessary messages to large numbers of people, usually with the purpose of advertising a product, event, service, or lobbying for a specific political position or promoting an individual's opinion. In many cases, the sender is unknown to the recipients.
- J. Acting in a manner that violates School Board Rules, including, but not limited to, the *Code of Ethics of the Education Profession of the State of Florida*, The *Principles of Professional Conduct for the Education Profession in Florida*, School Board Rule 6Gx13- 4A-1.21, Permanent Personnel Responsibilities and Duties are prohibited.

III. User Expectations and Consequences of Inappropriate Use

The e-mail system is the property of Miami-Dade County Public Schools. The District reserves the right to monitor the e-mail system for unacceptable use according to federal, state, local and district laws, policies and rules. Any employee who violates this rule may be subject to appropriate disciplinary action, up to and including dismissal.

A. Work-site supervisors and District administrators are authorized to determine whether an employee is in compliance with this rule and is using the District's e-mail system in an appropriate and acceptable manner. This includes randomly accessing the employee's e-mail for the purpose of determining compliance with this rule.

B. In addition to checking for the above inappropriate uses, the District:

- 1. Reserves the right to review e-mails stored in the network for the purpose of maintaining adequate and necessary file server space.
- 2. Reserves the right to modify or delete e-mails or attachments that may contain computer viruses or any other computer code that could damage or destroy any portion of the network.

C. Users of the M-DCPS e-mail system must not expect that e-mail generated or received via the District's e-mail system will remain private. As a result, the users should be aware that:

- 1. Sensitive and confidential data, including data considered exempt from public disclosure, may be viewed by persons other than the intended recipient. Information that is exempt or confidential under

state and federal law may need to be encrypted, blocked out, or not transmitted by e-mail.

2. E-mail is legally discoverable and may be used in court proceedings. Employees are hereby notified that there is no individual right to privacy in the use of the District's e-mail system. Administration has an absolute right to monitor employees' use of the e-mail system at its discretion. Users are warned that although e-mail often has the feel of a private conversation, it is in fact, not private. Further, e-mail generated during the regular course of School Board business is subject to public disclosure, in accordance with Florida's Public Records Act, Chapter 119, Florida Statutes.

IV. Personal Use

The intended use of the M-DCPS e-mail system is for District-related purposes, not for personal use or other purposes. In limited instances, some personal use of the M-DCPS e-mail system may be permitted. This use is a privilege, not a right. Limited, incidental personal use of the M-DCPS e-mail system such as sending short, brief e-mails to a friend or relative is permissible so long as the user complies with the Utilization Policy outlined herein and with state and federal laws and Board Rules governing the use of e-mail. Any abuse of this privilege will be handled in the same manner as described in Section III above.

Limited incidental personal use must not tie-up or otherwise obstruct system resources in any way, interfere with an individual's job performance and/or duties, advertise or promote a product or service, publicize unsanctioned, non-M-DCPS activities without approval, promote political candidates or positions as outlined in Section II above, include attachments that use excessive storage (multiple pictures, video clips, etc.), and/or be used in any way that is detrimental to MDCPS. In addition, employees are prohibited from storing e-mail that is personal in nature in the District's e-mail system.

The above list is for illustrative purposes only and is not exhaustive. Employees must exercise good judgment in utilizing the e-mail system and not abuse the privilege.

V. Retention

The definition of a public record does not depend on the format of the record, regardless of the medium. Therefore, all federal, state, and local rules and regulations regarding retention of records, memos, and documents apply equally to documents and materials created by e-mail.

Users of District e-mail are responsible for retaining e-mail that, by law, must be retained. E-mail that should be retained may be stored electronically or printed and saved as a hard-copy. In either case, such records must be available for public access, regardless of the medium in which it is maintained. The state and the courts do acknowledge; however, that much of what is put in e-mail does not qualify as a public record and may be deleted without permission once it no longer has value.

Specific authority: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.
Law Implemented, Interpreted, or Made Specific: 815.04; 815.06; 1012.23;
1012.27(6), F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: