

Book	Policy Manual
Section	Policies Recommended for the BOE (43.1 Fall 2024 Update)
Title	STAFF USE OF PERSONAL COMMUNICATION DEVICES
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7530.02 - STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") (as defined in Bylaw 0100) has become pervasive in the workplace. ~~Regardless~~ For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), ~~()~~ telephone paging devices (e.g., beepers or pagers), **[NOTE: END OF OPTION]** and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally owned by the employee (regardless of whether the Board pays ~~an~~ the employee an allowance for ~~the employee's~~ his/her use of ~~their PCD~~ the device, the Board reimburses the employee on a per use basis for their business-related use of ~~the employee's~~ his/her PCD, or the employee receives no remuneration for ~~the employee's~~ his/her use of ~~their PCD~~ a personally owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones/Smartphones

Using a ~~cellular~~ cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, GPS-navigation destination set/modified, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a ~~cellular~~ cell phone or other PCD while driving).

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity, and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using ~~the individual's~~ his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 - Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 - Information Management. Staff are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold. **Staff may not delete or otherwise destroy any public records and/or education records that only reside/exist on the employee's PCD, without first making sure the record is properly transferred/saved to and stored on District Technology Resources (i.e., the record is confirmed to be in the District's custody). Further, staff are**

required to retain all communications that reside/exist on their PCDs so long as the communication is subject to a litigation hold. If an employee has any questions concerning this responsibility, the employee should ask their Principal or the Superintendent.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records, and ESI subject to a Litigation Hold that are maintained on the employee's PCD are transferred to the District's custody (e.g., server, alternative storage device). The District's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a Litigation Hold are transferred to the District's custody, the employee is required to delete the records/ESI from the employee's PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from the employee's PCD before the Board will issue any final compensation that is owed to the individual.

Similarly, if an employee intends to dispose of, or otherwise stop using, a PCD on which the employee has maintained public records, student records, and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the District's custody before disposing of, or otherwise ceasing to use, the PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the PCD. Failure to comply with these requirements may result in disciplinary action.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent of all public records, student records, and ESI subject to a Litigation Hold that is maintained on District technology resources that were provided by the District (i.e. assigned) to the employee during their employment. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee also utilized a PCD for work-related communications, and the device contains public records, students records, and/or ESI subject to a Litigation Hold, the employee must transfer the records/ESI to the District's custody (e.g., server, alternative storage device) prior to the conclusion of the employee's employment. The District's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the District's custody, the employee is required to delete the records/ESI from the employee's PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from the employee's PCD before the Board will issue any final compensation that is owed to the individual.

If a PCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The Board prohibits employees from maintaining the following types of records and/or information on their PCDS, including cellular telephones (→) PCDs (→) cell phones:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information
- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is required that employees lock and password-protect their PCDs when not in use.

Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged, or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Personal Use of PCDs While at Work

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or District technology resource (e.g. network computer), can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action, up to and including termination. Use of a PCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action, up to and including termination.

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Legal

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