

CRYSTAL CLEAR

Improper use of computers is cause for dismissal. Period.

The message is simple, says NSEA Attorney Scott Norby: teachers caught viewing inappropriate web sites on school computers will lose their jobs.

"It's a death sentence for both job and career. They're out immediately and their teaching certificate will be revoked," said Norby.

NSEA's Trish Guinan, the Association's Director of Member Rights, agrees.

"Teachers must not use school computers and school time to browse web sites that may be inappropriate," Guinan said. "Their job and teaching certificate are at stake."

Both Norby and Guinan have seen teachers lose their jobs, teaching certificates and the respect of family and friends because of misuse of school computers — and that includes inappropriate web browsing. Also high on the problem list: transmitting inappropriate messages or images via e-mail.

Norby said some school employees either don't understand the implications, or blindly choose to ignore the repercussions.

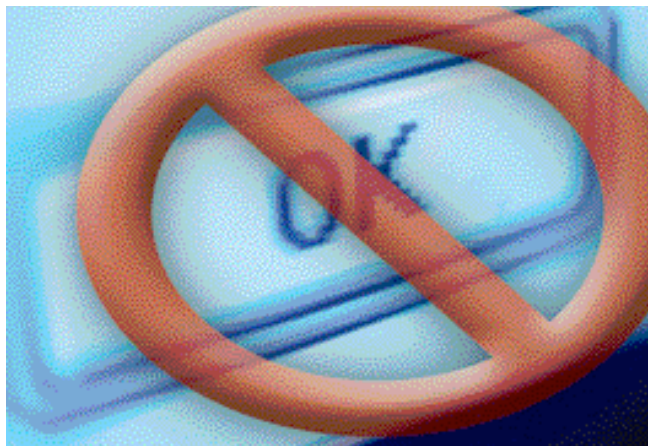
"We want members to appreciate the seriousness of the problem, and to reflect on the propriety of such actions," Norby said. "They need to think about the consequences; they need to exercise good judgment."

'Common sense'

The consequences are severe. In cases where school employees are found to have used school equipment improperly, the State Department of Education will suspend or revoke teaching certificates.

Norby says the key when surfing the web is to use common sense.

"No one takes issue with the benign e-mail on an isolated basis," Norby said. "Aside from the moral



implications, public employees are not to use public property for personal matters."

Such common sense should not, however, prevent or limit communication on professional matters.

Loss of certificate

School employees found to be misusing Internet access or violating e-mail privileges are subject to harsh penalties, particularly when it comes to accessing materials that could be described as sexually explicit.

In the Department of Education's review of such cases, Norby noted that there are no "degrees" of abuse.

"To the State Board, it's black and white. If a teacher accesses inappropriate sexual content material on a school computer or system, it's a revocation," he said.

In some instances, an accused teacher will voluntarily surrender his or her certificate in an attempt to avoid a public revocation process. However, by state law, such voluntary action essentially results in a career-ending, permanent revocation of the certificate.

"Some are so humiliated by this that they just voluntarily relinquish their certificates, just to avoid public exposure. When they do that, it's forever. They will never again teach here or anywhere else," Norby said.

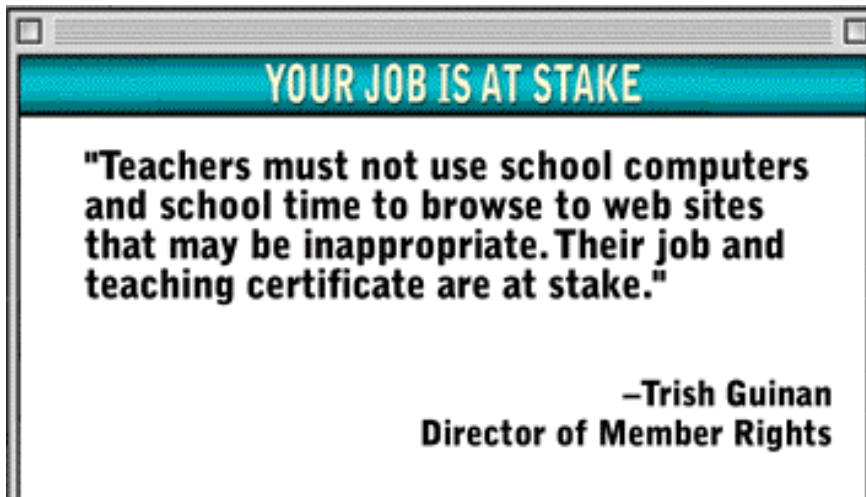
Likewise, those who have tried to circumvent a school district's Internet filters to view inappropriate items, or who have borrowed the computer passwords of others for the same reason, face the strongest mandatory penalties.

"All of them are gone from the profession," Norby said.

Permanent 'pictures'

Today's Internet offers a wealth of research and learning opportunities — as well as potential trouble.

Viewing explicit sites on school hardware is inappropriate, and more than enough to prompt a teacher suspension. School



employees must also understand that by browsing the Internet on school equipment and school time for any but professional reasons, they are defrauding the district.

“It’s the school computer; the school’s time. Even if you’re using the computer at night, after hours, for personal reasons it’s still inappropriate,” said Guinan.

Norby noted that school employees who have violated Internet guidelines are “dead wrong” if they think they can cover their tracks.

School districts and the Educational Service Units that house Internet servers for many districts can keep — on an almost permanent basis — a record of web sites a computer has visited or e-mails it has sent and received. Sophisticated data recovery software can also revive information the user may have thought he or she erased.

In other words, Norby emphasized, even the most qualified computer user may not be able to hide or disguise the improper web sites he or she has visited.

“If your computer screen has ‘painted’ a web site’s picture, it can be found,” Norby said.

Hard evidence

The “hard evidence” generated by

computer misuse can also be used to solidify a school district’s case for non-renewal of a teacher’s contract, said Guinan.

In such instances, the administration may have a desire to terminate a teacher, but lacks the justification to do so.

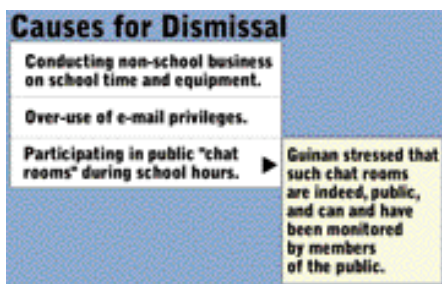
“They may not have a lot of cause, but they can review the computer files, see what the teacher has viewed, and that *is* hard evidence,” Guinan said.

In a case in which the contract of a non-NSEA member was cancelled, the district reviewed the computer files of every teacher in the same building. If there is reason to look at such files, district officials can, and will do so.

“If the administration is unhappy with an employee’s performance, they typically start looking for just cause, such as turning grades in late. Now they just have to look at your computer,” Guinan said.

In any case, school employees should remember that only appropriate materials should be introduced into the school setting. And remember this parting advice from Guinan:

“The equipment, the software, and your time belong to the school district, just like the desk or bulletin board in your classroom. Don’t abuse them.”



Ethical, professional performance

Rule 27 is guide for Internet abuse reviews

The Nebraska Department of Education reviews accusations of improper Internet and e-mail use by school employees according to provisions of Rule 27.

The provisions considered by the Department when reviewing cases fall under Section 4 of Rule 27, entitled “Standards of Ethical and Professional Performance for Public School Certificate Holders.”

The first two provisions, under a section headed “Commitment to the Student,” begin with these words: In fulfillment of the obligation to the student, the educator:

Sec. 004.03C: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

Sec. 4.03D: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

Know your district’s Internet, e-mail policy

If your district has a written policy governing e-mail and Internet use, read it, understand it and provide a copy to NSEA for review. Keep a copy in a file next to your computer for reference.

Bargain the computer use language

Bargain acceptable computer use language for your district, and work with NSEA to come up with acceptable language — don’t just accept the school attorney’s language.

Appropriate use of computers

A good rule of thumb is this: If you’re looking at something that you can’t print out and hang on the door of your classroom, you probably shouldn’t be looking at it on school time, on school equipment.

Use of school equipment

The computer hardware and software are the property of the school district. Improper use of those items is cause for termination, and may lead to loss of your teaching certificate.

Student use of a teacher’s password or computer

Do not allow others to use your computer or password. Not only can they view objectionable material, they may also review what you’ve been viewing. You are responsible for that computer and where it goes.

Accidental encounters

If you accidentally stumble across an inappropriate web site, the best advice is to note, in writing, how it happened and report the incident immediately to your administrator and to your NSEA UniServ director. For instance, Nebraska Department of Education General Counsel Brian Halstead said that a web site address discontinued by the Department more than four years ago now takes viewers to sexually explicit material. A school employee who hadn’t changed a bookmark to that old NDE web site might face trouble by unknowingly clicking to that old site. In such cases, it’s best that administrators be alerted to the accident, rather than have someone else raise questions later.

If you receive unwanted e-mails that are off-color or offending in nature:

Respond to the sender and ask them to remove your name from their mailing list. It might also be a good idea to print and save a copy of your request. Do not take ownership in the e-mail by printing it or by forwarding it on to another recipient. The best policy: Don’t accept personal e-mails through your school e-mail address.

If unwanted e-mails persist

Respond to the sender and request them to remove you from their e-mail list. Print out and save a copy of your request, as you may need that for proof later.