Specialized Underwriting & Risk Evaluation

RISK MANAGEMENT ALERT

S.u.r.e. Schools

SCHOOL RISK MANAGEMENT ADVISORY

Utica National Insurance Loss Control Department Bulletin

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TOPIC: Safely Managing Your School's Internet Use

BACKGROUND: Information from the Children's Internet Protection Act (CIPA), Federal Communications Commission (FCC), Federal Bureau of Investigation (FBI), New York State Police (NYSP) and National Crime Prevention Council web sites was gathered and adapted for use in the development of this Risk Management Alert.

SCOPE: There are many areas of potential harm and liability that school districts, their staff members and students may face when it comes to use of the Internet if the proper precautions and risk management strategies are not implemented. A few examples of harmful exposures include sexual predators or other dangerous individuals or groups, inappropriate materials that are harmful to minors, scam artists and defamation. Schools can minimize the chance of harm to staff and students, and limit liability exposure in this area by developing and implementing a comprehensive risk management approach to Internet use. The following basic elements should be included in your school's Internet risk management program:

- A well thought out and comprehensive **Acceptable Use Policy**.
- Limitation of Internet use to that of an **Educational Forum**.
- Provision of **Adequate Supervision**.
- **Personal Safety and Responsibility Education** for staff, students and parents.

ACCEPTABLE USE POLICY: Your school district's administrative team should develop an Acceptable Use Policy (AUP). This will serve as the foundation for the Internet risk management initiatives of the district. The AUP should be communicated to staff members, students and parents and should list and define acceptable and unacceptable activities or unacceptable use of Internet resources. The AUP must also address: ethical use of resource materials, copyright and plagiarism issues, types of speech that are not allowed (criminal) or inappropriate (obscenity, profanity, defamatory etc.…) harassment, hacking or use of other persons ID or passwords.

Appropriate E-mail use, buddy lists and chat room limits or prohibition must also be addressed for students and staff members. Many law enforcement agencies warn that pedophiles often use chat rooms to entice children into relationships and/or direct one-to-one meetings and so it is advisable to limit use of chat rooms to the extent possible.

There should also be a clear explanation of the consequences for any violations of the district's AUP.

Parents, students and employees should be required to sign an acknowledgement of receipt and understanding of the district's AUP, code of conduct and consequences of violation of the policy.

LIMITED USE FORUM: Schools should clearly communicate to students and staff members that Internet usage at the school is for educational purposes only. Limiting Internet usage to that of an educational forum rather than that of an open forum such as with usage at one's own home, may provide some protection for schools. A clearly defined educational forum helps to limit but not deny student's First Amendment rights within the schoolhouse. Districts should, to the extent possible, prohibit instances where students or staff members may publish defamatory remarks about other individuals in the school or community to the district's web site or within chat rooms or to electronic bulletin boards.

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COLLEGES, UNIVERSITIES & PRIVATE SCHOOLS

**Placing any limitations on protected speech must always be reviewed with your school district's attorney to ensure that policies are narrowly tailored so as to limit the least amount of expression as is necessary to protect other students, staff and community members from undue harm. In addition such policies must clearly substantiate a compelling interest of the school to do so.

It is also imperative that school officials check with their attorney regarding any federal and state legislation that pertains to use of the Internet and their school. The provisions under the Children's Internet Protection Act (CIPA) should be adhered to as they relate to requirements to block or filter pictures that are obscene, contain child pornography or are harmful to minors. Also, any challenges or changes to legislation in this area that might impact First Amendment protections must also be monitored and then adapted to.

For more information on Internet Safety Measures and CIPA visit the website of the FCC at: www.fcc.gov.

ADEQUATE SUPERVISION: Issues of supervision affect all areas of school operations. While it is not practical to have an "Internet monitor" stand behind every computer terminal to supervise student and employee access, schools are still responsible to provide for adequate supervision when it comes to the material staff members assign to students. It is the responsibility of individual teachers and each staff member who assigns Internet materials and sites, to thoroughly review all such material and web sites/pages assigned to ensure there aren't inappropriate materials on the site and that there aren't any secondary links to other sites that may contain inappropriate or harmful materials. Included in this category is pornography, graphic depiction of violence or religious fanaticism, access to drugs or alcohol just to name a few.

Teachers/staff must also be aware of the age and maturity appropriateness of all materials assigned on the Internet to their students.

PERSONAL SAFETY AND RESPONSIBILITY EDUCATION: All of the well-intentioned risk management efforts of school administrators will go nowhere without education of those affected by policies and safety strategies. Schools must take the time to educate students, staff and parents regarding the district's policies on Internet use within the schoolhouse. Administrators should convey the benefits of access to such a powerful educational tool as the Internet. However, it also very important to warn students and staff of the potential dangers that may exist on the Internet. Included in the danger category are: child/sexual predators, scam artists and hate biased materials.

School officials should communicate to students the dangers of giving out personal information over the Internet. Such information may include: physical description or photo of self, name, age, address, school attended, any times when the student will be home alone until parents return from work. It is also important that schools educate students about the dangers of meeting, one-to-one, with someone they met on the Internet.

Internet risk management may seem complicated. However, there are a number of helpful resources for schools to seek guidance on development and initiation of their Internet risk management strategies. State or local police agencies and School Resource Officers may prove helpful in developing the content of safety messages to convey to students and teachers with regard to personal safety on the net. In addition, your school district's attorney should always be consulted when it comes to limitations on access or free expression in this electronic medium.

We encourage you to review available resources and work with local law enforcement and school resource officers to assist in reviewing your district's Internet risk management initiatives!

ADDITIONAL HELPFUL SOURCES:

www.fbi.gov . . . . . .U.S. Federal Bureau of Investigation
www.ncpc.org . . . . . .National Crime Prevention Council
www.nasro.org . . . . . .National Association of School Resource Officers
www.cyberangels.com . . . . .CyberAngels Internet Safety Organization
www.getnetwise.org . . . . . .GetNetWise - Internet Education Foundation
www.fcc.gov . . . . . .U.S. Federal Communications Commission

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