

DARIEN PUBLIC SCHOOLS
Darien, Connecticut

Series 4000: PERSONNEL
Policy R - 4400

SOCIAL MEDIA

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee's right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees' use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

ADOPTED: November 23, 2016

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ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in the Board's policy or these administrative regulations is intended to limit an employee's right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between the Board's policy or these regulations and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees' personal online accounts, will not be a legal or policy issue. While a policy or regulation cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

Definitions:

The rapid speed at which technology continuously evolves makes it difficult, if not impossible, to identify all types of social media.

Thus, the term Social Media includes a variety of online tools and services that allow users to publish content and interact with their audiences. By way of example, social media includes the following websites or applications, including an employee's personal online account using such social media:

- (1) social-networking;
- (2) blogs and micro-blogs;
- (3) content-sharing;
- (4) image sharing, video sharing or livestreaming;
- (5) other sharing sites or apps such as by sound, location, news, or messaging, etc.

Board of Education includes all names, logos, buildings, images and entities under the authority of the Board of Education.

District-Sponsored Social Media includes any social media account created, maintained, used or accessed by an employee of the Board for a business, educational or instructional purpose of the Board.

Electronic communications device includes any electronic device that is capable of transmitting, accepting or processing data, including, but not limited to, a computer, computer network and computer system, and a cellular or wireless telephone.

Employee means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or “(2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

Personal online account includes any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to electronic mail, social media and retail-based Internet websites. Personal Online Account does not include any account created, maintained, used or accessed by an employee for a business, educational or instructional purpose of the Board.

Rules Concerning District-Sponsored Social Media Activity

1. In order for an employee to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the prior permission of his/her supervisor.
2. Employees may not use personal online accounts to access social media for school-related activities without express permission of the employee’s supervisor. Where appropriate and with permission, district-sponsored social media accounts should be used for such purposes.
3. If an employee wishes to use social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or a school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:
 - o The employee must receive the permission of his/her immediate supervisor to create, use and maintain district-sponsored social media.
 - o The employee must not use his/her personal online account for such purpose, but shall use his/her Board-issued account.
 - o The employee must ensure that such social media use is compliant with all Board of Education policies, regulations, and applicable state and federal

law, including the provision of required legal notices and permission slips to parents.

- The employee must set up the club, etc. as a group list which will be "closed" (e.g. membership in the group is limited to students, parents and appropriate school personnel), and "monitored" (e.g. the employee has the ability to access and supervise communications on the social media site).
 - Parents shall be permitted to access any page that their child has been invited to join.
 - Access to the page may only be permitted for educational purposes related to the club, activity, organization or team.
 - The employee responsible for the page shall monitor it regularly.
 - The employee's supervisor shall be permitted access to any page established by the employee for a school-related purpose.
 - Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
4. Employees are prohibited from making harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate statements in their social media communications using district-sponsored social media or accounts or through Board-issued electronic accounts.
 5. Employees are required to comply with all Board of Education policies and procedures and all applicable laws with respect to the use of electronic communications devices, networks, Board-issued accounts, or when accessing district-sponsored social media sites or while using personal devices on the district's wireless network or while accessing district servers.
 6. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any communication made through social media, including personal online accounts, while using district electronic communications devices.
 7. All communications through district-sponsored social media or Board-issued electronic accounts must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.
 8. An employee may not link a district-sponsored social media page to any personal online account or sites not sponsored by the school district.

9. An employee may not use district-sponsored social media or Board-issued electronic accounts for communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purposes.
10. An employee may not use district-sponsored social media or Board-issued electronic accounts in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

Rules Concerning Personal Online Accounts

1. The Board understands that employees utilize social media and the web for personal matters in the workplace. The Board of Education reserves the right to monitor all employee use of district electronic communications devices, including a review of online and personal social media activities. An employee should have no expectation of personal privacy in any personal communication made through social media while using district computers, district-issued cellular telephones or other electronic communications devices. While the Board reserves the right to monitor use of its electronic communications devices, employees may engage in incidental personal use of social media in the workplace so long as such use does not interfere with operations and productivity, and does not violate other Board policies.
2. An employee may not mention, discuss, reference or link to the Board of Education, the school district or its individual schools, programs or teams using personal online accounts or other sites or applications in a manner that could reasonably be construed as an official school district communication, unless the employee also states within the communication that such communication is the personal view of the employee of the school district and that the views expressed are the employee's alone and do not represent the views of the school district or the Board of Education. An example of such a disclaimer is: "the opinions and views expressed are those of the author and do not necessarily represent the position or opinion of the school district or Board of Education." For example, except as may be permitted by Board policy, employees may not provide job references for other individuals on social media that indicate that such references are made in an official capacity on behalf of the Board of Education.
3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. For example, absent an unrelated online relationship (e.g., relative, family friend, or personal friendship unrelated to school), it is not appropriate for a teacher or administrator to "friend" a student or his/her parent or guardian or otherwise establish special relationships with selected students through personal online accounts, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.
4. In accordance with the public trust doctrine, employees are advised to refrain from engaging in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications through personal online accounts. Such

communications reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill his/her professional responsibilities.

5. Employees are individually responsible for their personal communications through social media and personal online accounts. Employees may be sued by other employees, parents or others, and any individual that views an employee's communication through social media and personal online accounts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. In addition, employees should consider refraining from posting anything that belongs to another person or entity, such as copyrighted publications or trademarked images. As all of these activities are outside the scope of employment, employees may be personally liable for such claims.
6. Employees are required to comply with all Board of Education policies and procedures with respect to the use of electronic communications devices when accessing personal online accounts and/or social media through district computer systems. Any access to personal online accounts and/or personal social media activities while on school property or using school district equipment must comply with those policies, and may not interfere with an employee's duties at work.
7. All communications through personal online accounts and/or social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.
8. An employee may not post official Board of Education material using a personal online account without written permission of his/her supervisor.
9. All of the Board of Education's policies and administrative regulations apply to employee use of personal online accounts in the same way that they apply to conduct that occurs in the workplace and off duty conduct.

Access to Personal Online Accounts

1. An employee may not be required by his/her supervisor to provide his/her username, password, or other means of authentication of a personal online account.
2. An employee may not be required to authenticate or access a personal online account in the presence of his/her supervisor.
3. An employee may not be required to invite or accept an invitation from his/her supervisor or required to join a group with the employee's personal online account.

Prohibition on Crowdfunding Activities

Employees are prohibited from engaging in crowdfunding activities (e.g. the use of Websites or applications such as DonorsChoose, Kickstarter, GoFundMe,, etc.) on behalf of the Board of Education, its schools, classes or extracurricular teams or clubs.

Disciplinary Consequences

Violation of the Board's policy concerning the use of social media or these administrative regulations may lead to discipline up to and including the termination of employment consistent with state and federal law.

An employee may face disciplinary action up to and including termination of employment if an employee transmits, without the Board's permission, confidential information to or from the employee's personal online account.

An employee may not be disciplined for failing to provide his/her username, password, or other authentication means for accessing a personal online account, failing to authenticate or access a personal online account in the presence of his/her supervisor or failing to invite his/her supervisor or refusing to accept an invitation sent by his/her supervisor to join a group affiliated with a personal online account, except as provided herein.

Notwithstanding, the Board may require that an employee provide his/her username, password or other means of accessing or authenticating a personal online account for purposes of accessing any account or service provided by the Board for business purposes or any electronic communications device supplied by or paid for, in whole or in part, by the Board.

Nothing in this policy or regulations shall prevent the district from conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about an activity on an employee's personal online account or based on specific information about the transfer of confidential information to or from an employee's personal online account. During the course of such investigation, the district may require an employee to allow the district to access his or her personal online account for the purpose of conducting such investigation. However, the employee will not be required to provide his/her username and/or password or other authentication means in order for the district to access the personal online account.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. § 31-51q
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