

STAFF CONDUCT
ELECTRONIC COMMUNICATION AND SOCIAL MEDIA POLICY

I. Definitions

For the purposes of this Electronic Communication and Social Media Policy, the following terms are defined as follows:

- “Child” shall mean a Student: (a) who is the son or daughter (whether by birth, marriage, or adoption) of the Staff Member in question; or (b) for whom the Staff Member is the legal guardian or relative caregiver (c) who resides in the Staff Member’s home.
- “Confidential Information” shall have the meaning ascribed by the District’s Confidentiality policy.
- “Covered Technology” shall mean any Electronic Communication or Social Media. For the purposes of this Policy, Covered Technology shall not include any District-Sponsored Technology.
- “District” shall mean Indian River School District.
- “District-Sponsored Technology” shall mean any Electronic Communication or Social Media that has been officially authorized by the District, that operate under the District’s name, and that are paid for by the District.
- “Electronic Communication” shall mean any communication that is sent by, delivered by, received by, or that otherwise uses: (a) email; (b) instant messaging; (c) text message; (d) telephone, including cellular or mobile phone and smartphones; (e) Social-Media site; (f) the Internet; or (g) any other similar technology.
- “Former Student” shall mean any person who has graduated from and/or who is no longer enrolled in a School.
- “Online Conduct” shall mean: (a) the transmission of any Electronic Communication; and (b) the publication of any content via Social Media.
- “Parent” shall mean the parent, legal guardian, or relative caregiver of the Student in question.

- “Policy” shall mean this Electronic Communications and Social Media Policy.
- “School” shall mean any and all public schools in the District.
- “Social Media” or “Social-Media Site” shall mean any website, tool, or platform that enables communication between users or the publication of content by an individual. Because of the developing nature of Social Media, there are too many Social-Media Sites to name each individually. For illustration purposes only, Social Media includes: (a) social-networking sites (e.g., Facebook, and LinkedIn); (b) blogs and microblogs (e.g., Wordpress, Blogger, Twitter, Tumblr); and (c) content-sharing sites (e.g., Flickr, YouTube, Vimeo, Scribd). Additionally, comments posted to a website or blog and other user-generated content are included in the definition of Social Media for the purpose of this policy.
- “Staff Member” shall mean any person who is employed by or a volunteer of the District.
- “Student” shall mean any person who currently is enrolled in any school in the District. For the purposes of this policy, a student shall not include: (a) any former student; or (b) the child of the staff member in question.

II. Purpose & Scope

A. Statement of Purpose

The dual purposes of this Policy are: (a) to prevent harm and potential harm to Students caused by unmonitored Electronic Communications with Staff Members; and (b) to educate Staff Members how to participate in Social Media in a way that does not: (i) impede the Staff Member’s ability to perform his or her official District duties; or (ii) interfere with the District’s ability to ensure efficient and effective operation of the Schools. The purpose of this Policy is not to discourage Staff Members’ use of Social Media but to encourage use that does not interfere with District operations, impede the ability of the Staff Member to perform their duties, or compromise the safety and well-being of Students.

This Policy is not intended to directly address Student use of the Internet. For that purpose, the District has adopted an Internet Safety Curriculum, which includes: (a) cyber-bullying; (b) appropriate online behavior; and (c) social media, social networking, and chat rooms.

B. Scope

This Policy applies to the use of Covered Technology by Staff Members. This Policy applies without regard to whether such use occurs during working or nonworking time and without regard to whether District equipment or property is used.

C. Applicability of Other Policies

This Policy is intended to supplement, not replace, other District policies. Although Online Conduct involves the use of a relatively new medium, it remains subject to all applicable District policies. For example, District policies governing Sexual Misconduct, Cell Phone Use During Working Hours, Sexual and Other Unlawful Harassment, Harassment or Misconduct Toward Students, Dating and Social Engagement With Students, Telecommunications Access, Staff Ethics, Confidentiality, and Anti-Discrimination, apply to Online Conduct with the same force and effect as they apply to conduct in any other context.

D. Questions About this Policy

Because of the rapidly changing and constantly evolving nature of the Covered Technology, it is likely that issues will arise that are not specifically addressed by this Policy. Any Staff Member who is uncertain about the application of this Policy to a particular scenario or in a particular set of circumstances should seek the guidance of the Director of Personnel or Assistant Superintendent *before* engaging in the questionable Online Conduct.

III. Guidelines for Staff Members' Use of Social Media

Staff Members, especially those who work directly with Students, who elect to participate in Social Media should be aware of and avoid the risks associated with such participation. The guidelines that follow are intended to assist Staff Members to avoid such risks.

A. Social Media Is Permanent and Public

Once published on the Internet, information cannot be retracted or deleted and its further publication cannot be limited or prevented. As a result, Staff Members should expect that any information that they publish online, including information published via Social Media, will become public and permanent. Because there is no reasonable expectation of privacy with respect to information published online, Staff Members may be subject to corrective action for their use of Social Media if such use interferes with the ability of the Staff Member to perform his or her job duties or that interferes with the District's effective and efficient operations.

B. Good Online Citizenship

Staff Members are encouraged to use the following guidelines to ensure their Online Conduct comports with the standards expected of good online citizens:

- **Be Professional.** Maintain professionalism in all Online Conduct. Before engaging in Online Conduct, consider the impact such conduct would have on your relationship with coworkers, peers, District administration, Students, Parents, and the community at large.
- **Be Cautious.** Be particularly cautious about protecting yourself, your privacy, and any sensitive or confidential information. Consider the potential consequences that could occur if the information that you publish should be later republished or shared by others without your express permission.

- **Be Transparent.** Be honest in all Online Conduct. Correct any misinformation that you publish immediately. Do not purport to be an expert if you are not one.

C. **Friend Requests**

Staff Members are strongly encouraged to exercise discretion in inviting colleagues to join their online social networks (a “friend request”). Even when made with good intentions, such invitations may not be well received and can give rise to awkward or uncomfortable situations or, worse, may be seen by the recipient as inappropriate or coercive. For these reasons, the following rules apply to friend requests made and received by Staff Members:

A Staff Member who is employed by the District in a supervisory capacity (a “supervisor”), is prohibited from making a friend request to any individual whom the Staff Member supervises or who otherwise reports to the Staff Member (a “subordinate”).

- A Staff Member-supervisor is not prohibited from accepting a friend request made by a subordinate but is encouraged to seriously consider the consequences of doing so.
- All Staff Members are prohibited from making a friend request to or accepting a friend request from any Student.

IV. **Prohibited Conduct**

As stated above, Staff Member’s Online Conduct is subject to the same standards of conduct applicable to conduct engaged in off-line. The following list is not intended to be comprehensive or exclusive but, instead, to identify some examples of prohibited Online Conduct that is considered by the District to have the most serious consequences. Staff Members who engage in any of the prohibited conduct listed below will be subject to corrective action in accordance with District policy.

A. **Prohibited Social-Media Conduct and Use**

In the context of Social Media, Staff Members may not:

- Promote or endorse any illegal activity, including the use of illegal drugs and the consumption of alcohol by any underage person;
- Promote or endorse violence towards any person or persons;
- Promote or endorse discrimination against or harassment of any individual or group based on race, religion, gender, disability, sexual orientation or other characteristic protected by law;
- Disclose any Confidential Information;
- Make a request to or accept a request from a Student to connect via any Social-Media Site, including but not limited to a Facebook “friend” request;

- Engage in any Online Conduct that undermines or interferes with the Staff Member's ability to effectively perform his or her official duties;
- Engage in any Online Conduct that undermines or interferes with the effective and efficient operation of the District or any of its Schools; and
- Publishing any recording or image (including audio, video, and pictures), taken on District property without express advance authorization.

B. Prohibited Electronic Communications

Subject to the one exception listed below, no Staff Member shall engage in an Electronic Communication with any Student for any purpose.

The communication is for a legitimate purpose specifically related to the staff member's official job duties. Staff members are required to only communicate with students through district approved forms of communications such as: email, learning management systems, other online collaboration platforms and legitimate broadcast software such as rainedout.com. Other forms of personal electronic communication with students, such as instant messaging, cellular phones, social media or texting are strictly prohibited.

§ 903. Reports required.

Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

§ 904. Nature and content of report; to whom made.

Any report of child abuse or neglect required to be made under this chapter shall be made by contacting Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division. No individual with knowledge of child abuse or neglect or knowledge that leads to a good faith suspicion of child abuse or neglect shall rely on another individual who has less direct knowledge to call the aforementioned Report Line.

§ 905. Telephone reports, Child Protection Registry and information system.

(a) The Division shall establish and maintain a 24-hour statewide toll-free telephone report line operating at all times and capable of receiving all reports of alleged abuse and neglect as defined in § 901 of Title 10.

(b) The Division shall maintain a Child Protection Registry and an internal information system as defined by § 902 of this title. Reports unsubstantiated shall be kept in the internal information system by the Division.

(c) Every report of child abuse or neglect made to the Division shall be entered in the Division's internal information system and each such report involving the death of, serious physical injury to, or allegations of sexual abuse of a child shall also be entered in the Department's multi-disciplinary tracking system.

(d) Although reports may be made anonymously, the Division shall in all cases, after obtaining relevant information regarding alleged abuse or neglect, request the name and address of any person making a report.

(e) Upon receipt of a report, the Division shall immediately communicate such report to its appropriate Division staff, after a check has been made with the internal information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, or any reports regarding any siblings, family members or the alleged perpetrator, and such information as may be contained from such previous reports. Such relevant information as may be contained in the internal information system shall also be forwarded to the appropriate Division staff.

(f) Upon receipt of a report of child abuse or neglect, the Division shall immediately notify the Investigation Coordinator of the report, in sufficient detail to permit the Investigation Coordinator to undertake the Investigation Coordinator's duties, as specified in §906 of this chapter.

§ 914. Penalty for violation.

(a) Whoever violates § 903 of this title shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation.

(b) In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.

V. Duty to Report

Just as all Staff Members have a duty to report a violation of the District's Anti-Discrimination and Anti-Harassment policies, so, too must Staff Members report any known or reasonably

suspected violation of this Policy. Thus, any Staff Member who observes or who becomes aware of the violation of this Policy by another Staff Member has the duty to report such information to the District and to cooperate fully in any resulting investigation. The policy and procedures set forth in the District's Anti-Harassment policy apply to the duty to report for the purposes of this Policy, as well. Failure to report a known or reasonably suspected violation of this Policy may result in corrective action.

VI. Notice of Intent to Monitor

Staff Members are hereby notified that any content posted online may be discovered or reported to the District. For example, information may be discovered by the District as a result of the District's efforts to monitor its online reputation, as a result of an investigation or complaint, or other legitimate reason.

Staff Members are also notified that information received or discovered by the District will be handled in accordance with the District's policies and procedures. Staff Members are reminded that there is no reasonable expectation of privacy with respect to information published online.

Adopted 6/19/12

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