



# Union Grove ISD Social Media Guidelines



## **Your World is Not Your Own: Employee Use of Social Media**

Social media is ever-present in modern society. Whether the user posts pictures of food, uploads a video of her cat in battle with a squirrel, or reflects on matters of political and social concern, social media users want their activities and opinions known – and known now. Educators, however, must consider much more than their own opinions and desires. The following information serves as an introductory guide to employee use of social media.

### ***First Amendment and Public Employees***

Everyone knows that the First Amendment to the U.S. Constitution protects free speech and expression. It is also true that employees of Union Grove I.S.D. do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. There are times, however, when the First Amendment does not apply to district employees. Essentially, when a public employee makes statements pursuant to his or her official duties, the Constitution does not insulate the employee from employer discipline. *See* Union Grove I.S.D. Board Policy DG(LEGAL); *Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

So, what does that mean? Can an educator say and post what she wants on Facebook or not? There are five key points that employees must consider about their social media activity:

1. When an employee engages in social media, she engages in expression or speech. If that expression or speech is a matter of public concern, then it may be protected by the First Amendment. This legal analysis is incredibly complicated and rests upon specific facts of each case. As such, a full explanation of the analysis is not offered in this guidance.
2. Union Grove I.S.D. may regulate speech in which employees engage as part of their job responsibilities.
3. Union Grove I.S.D. may also control access to and use of its electronic communications systems consistent with its public education mission.
4. Union Grove I.S.D. may control how employees spend their time at work.
5. An employee's private speech that undermines the mission of Union Grove I.S.D. may subject the employee to disciplinary action.



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## *Use of Union Grove I.S.D. Resources and Time*

When “on-the-clock,” an employee’s time, and the District’s resources, are not his own. Union Grove I.S.D. Board Policy CQ(LOCAL) governs the use of Union Grove I.S.D. technology resources. Essentially, employees must understand that:

- All use of Union Grove I.S.D. technology resources shall be for legitimate school purposes and comply with employee standards of conduct, guidelines for acceptable use of the electronic communications system, and all pertinent state and federal law.
- Employees may generally use district technology for limited personal use if it (1) imposes no tangible cost to the District, (2) does not unduly burden the District’s computer or network resources, and (3) has no adverse effect on job performance or on a student’s academic performance.
- Personal communication on Union Grove I.S.D. technology is not confidential and can be monitored.

If an educator is on lunch break and wants to watch the world’s cutest kittens on YouTube, then she can probably enjoy her frantic felines without “paws” for concern. On the other hand, viewing websites containing “adult content” is the most obvious (yet surprisingly often ignored) prohibited use of a school district’s technology. One should also consider the purpose for which he uses a Union Grove I.S.D.-issued e-mail account for personal e-mail. Staying in touch with Grandma is probably permitted; however, using the school’s e-mail account to carry on an extramarital affair would probably not represent good judgment.

Simply put, use caution and prudent judgment when using Union Grove I.S.D. technology, especially in the workplace. Yet, one may still be asking, “Can I say and do what I want on Facebook or not? Just tell me already!”

## *Personal Social Media Use*

When one becomes an educator or other employee of Union Grove I.S.D., one deliberately chooses to hold herself to the highest standard of moral conduct as a role model for children and the community. An educator likely spends more time with a child than that child’s parents spend with their own child. An educator can influence a child more in one day than others can in one year. In other words, this is not just another job, and every educator chose this profession of their own accord. With that comes responsibilities and limits on what Union Grove I.S.D. employees can do in their personal lives.

The Union Grove I.S.D. Employee Handbook (2020-2021) addresses personal use of electronic communications. First, the term “electronic communications” means:



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all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications also include all forms of telecommunication such as landlines, cell phones, and web-based applications.

See Employee Handbook, p. 46. If this seems broad, well, it is. Next, consider the subsequent paragraph:

**As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.** If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

See Handbook, p. 46 (emphasis added). Wait, an educator's term contract can be terminated for something she posts on Facebook? Absolutely.

## ***Actions that Union Grove I.S.D. May Take Regarding Personal Use***

Union Grove I.S.D. may review an employee's social media post and make the decision to discipline the employee. The Employee Handbook, pp. 46-48, details applicable restrictions. An employee has no reasonable expectation of privacy to the content on their social media pages; however, the District should never ask the employee to provide personal "usernames" and passwords to give the District access to their social media sites.

Some communications on social media may be protected by the First Amendment, but there are restrictions on public employee speech and expression. The District can regulate employee speech that is made pursuant to, or relate to, the employee's job duties. An employee could be posting complaints about her job or the way the District is operating. The District must determine on a



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case-by-case basis if the employee is speaking on a matter of public concern or if the speech relates to the employee's job duties.

The following are a few examples of electronic communication / social media situations that call for certain types of analysis or action:

1. **Inappropriate communication between educator and student.** Union Grove I.S.D. will take investigative action immediately. Suspension may be warranted depending on the circumstances. The outcome of the investigation will determine the action or range of actions to be taken. If the allegation or concern is substantiated, then outcomes may range from reprimand to recommendation for termination and possible reporting of the conduct to SBEC, depending on what the investigation reveals about the nature of the conduct.
2. **Employee venting grievances about the District or personal employment situation.** If an employee is complaining on his or her social media platform about the Board's priorities or how the District is spending money, then this may be a matter of public concern more so than an employee's speech about his or her job; thus, the speech may be protected by the First Amendment. The nature of the comments may be relevant. If inappropriate language is used, then this could be a problem for the employee because of the "role model" requirement. If an employee is merely venting about his or her job or supervisor or students—essentially airing his or her grievance publicly—then the employee likely has crossed a line that could allow for disciplinary action. There exist appropriate channels for grievances. At the least, the employee can be directed to use those channels for their grievances.
3. **Employee posting inappropriate conduct on personal social media platform that becomes accessible to parents or students.** This is a problem because the content may follow the employee and make it difficult for him or her to be taken seriously on the job. The employee may also be held responsible for things posted by someone else. From a disciplinary standpoint the employee may be less responsible—except that an employee is responsible for maintain privacy settings and for knowing that nothing is truly private on social media.

### *Protection of Confidential Information*

An educator must avoid disclosing information about Union Grove I.S.D. that has not already been published by the District. In addition, certain information, including student and personnel records, are protected by law. A person commits an offense if the person distributes information considered confidential by law. TEX. GOV'T CODE § 552.352; Tex. Att'y Gen. ORD-490 (1988). Someone harmed by a disclosure could sue the educator and Union Grove I.S.D. for invasion of privacy.



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These protections are documented in the Employee Handbook, p. 46-47, as well as Board Policies FL(LOCAL), DH(LOCAL), DH(EXHIBIT), and GBA(LEGAL).

### *Educators' Code of Ethics*

An educator is bound by the Educators' Code of Ethics both inside and outside of the schoolhouse. The following are certain excerpts from the Code of Ethics to consider before making public statements or social media posts:

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession...The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. [19 TEX. ADMIN. CODE § 247.1]

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.



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Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

See Board Policy DH(EXHIBIT); Employee Handbook, pp. 39-41.

### ***Retaining Electronic Records***

Communications (whether handwritten, email, or text messages) made by an educator related to Union Grove I.S.D. are likely considered records that must be maintained according to the District's record retention policies. See Board Policies CPC(LEGAL) and (LOCAL). An educator is required to retain electronic records, whether created or maintained using the District's technology resources or using personal technology resources.

### ***Consider the following social media posts:***

1. "I think that Candidate Hall would make a great state senator and I encourage everyone to vote for him."
2. "Ug!!! I am SOOO ready for this day to end. These whiney brats need their a\*\* whipped!"
3. "Anyone who supports those no-good people in the political party I don't like should be shot, hog-tied, and dragged out to Lake Gladewater!"
4. "I am absolutely excited that Johnny Smith got an A on his paper today! Congrats to Mr. and Mrs. Smith – they worked really hard to help Johnny."
5. "Woo hoo! Party time at the poker palace – gonna get wasted and make some coin [posted picture of teacher boozed and sitting sideways on the floor]."
6. "I am so sick and tired of reading about these f\*\*\* stupid people who can't figure out how to vote at the school board meetings. There is no way I can ever vote for Board Member Hall – he is such a horse's a\*\* and doesn't even know how to read, more so be on the school board!"
7. "I do not support Policy X of President Hall. I think he is a terrible President and should consider resigning."
8. Teacher Hall posts a picture of himself wearing a cat costume and marching for animal rights with the caption, "Testing on animals is not the purrrrrr-fect way to go!"



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9. “Teacher Hall was reprimanded today by the Principal for bullying other teachers. IT’S ABOUT TIME!!”

Postings 1, 7, and 8 constitute protected political speech on a matter of public concern, stated in such a way that does not present any issues. This answer assumes that the post was made on the educator’s own time and not using District resources. If the educator’s social media profile states that the educator is an employee of Union Grove I.S.D., then the post should state that the opinion belongs solely to the posting educator and does not reflect any opinion or position of Union Grove I.S.D.

Postings 2, 4 and 10 relate directly to students, teachers and/or job duties. Posting 4 violates FERPA (Family Educational Rights and Privacy Act). Posting 10 relates to personnel records that are confidential. These are not appropriate.

Posting 3 uses phrasing that may or may not be acceptable. The educator should consider the Code of Ethics cited herein, whether the post is made on the educator’s own time, and whether the post is made using District resources. Once again, if the educator’s profile states that she is a Union Grove I.S.D. employee, then the post should limit the opinion as belonging solely to the educator.

Posting 5 depicts an educator in a state of intoxication, which is not acceptable.

Posting 6 relates to a public election, but it contains many problems. There is profanity coupled with direct and derogatory remarks about a member of the Board of Trustees. This is not acceptable.

Posting 9 identifies employee conduct, an employee reprimand, and offers an opinion on the workplace environment and conduct of a colleague. This post is not acceptable.

Finally, consider the following hypothetical. Donna teaches first grade at T.B. Hall Elementary School. Donna enjoys playing poker and drinking tequila with her cousins, C.J. and Anna Beth, on Saturday nights. Donna also thinks highly of herself, so she enjoys taking selfies and posting those pictures on Facebook. Donna posts pictures of herself in an intoxicated state making questionable hand gestures at the poker table. Donna thinks her hair looks cute, and C.J. and Anna Beth are adorable, so she posts the picture on-line. Donna thinks nothing of it because Donna set her Facebook account to “private.” No one will see it, right?

Donna’s sister, Abigail, likes the picture, so she posts it on her account. Abigail’s account is public, and Abigail is also “Facebook friends” with Mrs. Landingham, whose 7-year-old daughter is in Donna’s class. Mrs. Landingham is shocked to learn that her daughter’s teacher is what she could only describe as a “floozy drunk,” so Mrs. Landingham shares the picture with all the other



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class moms and a journalist friend at the *Longview News-Journal*. The *News-Journal* runs the picture on page 2 next to an ad for bait and tackle, along with an editorial questioning who is teaching the young minds of Union Grove I.S.D.

Donna was in private. Donna was not on school time. Donna was just having fun with the family. Now, however, Donna is summoned to meet with Superintendent Bartlett, who promptly displays the following from Board Policies DFBB(LOCAL) and DH(Exhibit), which provide grounds for good cause that can be used to terminate or non-renew a contract:

- Drunkenness or excessive use of alcoholic beverages.
- Failure to meet the District's standards of professional conduct.
- Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, or the community, impairs or diminishes the employee's effectiveness in the District.
- Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.

Donna learns the hard way that her time is not necessarily her own.

When an individual accepts responsibility to teach children in a public school, that individual must comport herself to a higher standard that models Union Grove I.S.D.'s mission. What an educator says or does on social media can impact his ability to do her job in the classroom or relate to parents in the community. This, in turn, effects the mission of Union Grove I.S.D.

## ***Electronic Communication with Students***

The best guidance to offer to educators and employees is not to communicate electronically with students through anything other than the Union Grove I.S.D.-approved electronic platform.

Board Policy DH(LOCAL) and the Employee Handbook, pp. 47-50, address pertinent issues relating to electronic communications with students. Employees may not use electronic media to communicate directly with students who are currently enrolled in the District, with some exceptions for family and social relationships, certain circumstances in which an employee may use text messaging to communicate with students about matters within the scope of the employee's professional responsibilities, and other matters deemed appropriate by the Superintendent. Any communications with a student are records subject to records retention laws. Texting and social media communications are, unfortunately, avenues for inappropriate communications between educator and student, including communications known as "grooming" for certain illicit behavior.





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Additionally, Educator Code of Ethics Standard 3.9 addresses communications with students:

The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly, or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

See Board Policy DH(EXHIBIT); Employee Handbook, p. 42. Simply put, administration and Union Grove I.S.D.'s attorney would rest much more easily if no employee ever texted with students, used Facebook messenger with students, or allowed students (or their parents) to be "Facebook friends." This holds true for any social media platform.

## ***Conclusion***

Teachers and all school district employees represent Union Grove I.S.D. and must remain mindful of its mission:

*The Union Grove School District is dedicated to academic excellence. Its success depends on the entire community: students, teachers, administrators, parents, board members, community, and business persons. Union Grove is a community that wants not only academic achievement, but all-around programs that include outstanding extracurricular participants. Through an extended curriculum, students will be sufficiently prepared for college or the job market. The board, parents and community will financially support the district. This commitment will enable the school to function at a level competitive with other schools in preparing students for real-world challenges. In essence, our Vision is to be an exemplary school, a leader in producing outstanding students who will become productive citizens.*



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Although employees have the freedom to speak and express themselves, they should also have the judgment to understand how their speech may affect Union Grove I.S.D. and the employee's ability to perform his or her job.



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**Rick Lambert**

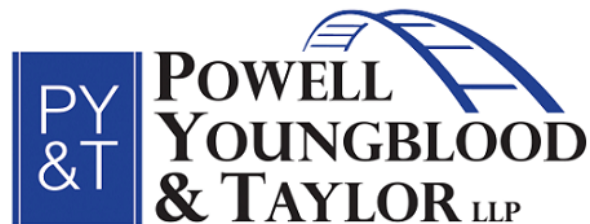
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## ACKNOWLEDGEMENT OF UGISD SOCIAL MEDIA GUIDELINES

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Name \_\_\_\_\_ Employee ID \_\_\_\_\_

Position \_\_\_\_\_ Department/campus \_\_\_\_\_

I hereby acknowledge receipt of a copy of the UNION GROVE ISD SOCIAL MEDIA GUIDELINES. I agree to read and abide by the standards, policies, and procedures in this document.

Employees can access the UGISD SOCIAL MEDIA GUIDELINES in electronic format at [www.ugisd.org/faculty/staff/EmployeeInformation](http://www.ugisd.org/faculty/staff/EmployeeInformation); or you may contact KELLY MOORE at [moorek@ugisd.org](mailto:moorek@ugisd.org) to receive a hard copy.

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Signature

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Date