

Social Networking Do's and Don'ts

Social networking sites allow you to create a “profile” about yourself that you can share with others. Profiles include personal information and interests; plus, educational and professional information. Social networking is a great tool for multi-way communication and can help you organize around specific issues. Your use of social media should be used wisely. Here's a quick guide to help you navigate through social networking.

Don't: Accept anyone who you do not know as a friend.

Do: Be aware that users can search for you by anything in your profile (your employer, university, etc). Control who sees your page. Set your privacy settings so only “friends” can review your information. Stay away from sites that cannot be closed to the public.

Don't: Join groups that may be considered unprofessional or inappropriate, and leave any such group that you are already a member of.

Do: Monitor comments that are posted to your page. Delete any with inappropriate language or content. Monitor your friends' Facebook photographs. If someone “tags” you in an inappropriate photograph, remove the tag and ask that the photo be taken down. On Facebook, disable the Google search function.

Don't post: Vulgar or obscene language, materials, photos or links that may be considered inappropriate or unprofessional.

Don't post: Any negative information about your students or school administrators. This includes information that can easily identify a student or administrator.

Do: Use common sense when you're using social media.

Here's what you should know:

School employees with tenure or “just cause” rights have far greater protection from discipline for their postings on a social networking sites than probationary employees.

◇ Employees with tenure or “just cause” rights can be disciplined or discharged only if, in a due process hearing, the school district can show some legitimate reason related to conduct or competence. In the context of *off-duty conduct*, including, *e.g.*, posting on social networking sites, many courts have required a showing that such conduct has an actual adverse impact on the employee's ability to perform his/her job in order to uphold employee discipline.

◇ While probationary employees don't enjoy just cause protection, they may mistakenly believe that the First Amendment protects their right to post anything they want to on social networking sites. Unfortunately, school employees have limited free speech rights. Specifically, employee speech is not entitled to First Amendment protection:

1. If the employee is merely speaking about matters of personal concern, *e.g.*, social activities, partying, personal gripes, *etc.*; or
2. If school officials believe that the employee's speech might *disrupt the workplace* or interfere with their job performance.

Note: This document is intended to provide practical advice to school employees about the appropriate use of social networking sites. It is not intended to provide legal advice or to identify circumstances in which employee postings on such sites might justify discipline or discharge. Any Association member who is threatened with such discipline should immediately notify his/her Association representative for legal assistance.