Social Networking Policies For School Employees

Insights

7.01.11

(Education Update, No. 3, July 2011)

In our April 2011 issue, we discussed strategies for schools to limit their exposure to liability stemming from employees' off-campus interactions with students. School employees' participation in online social networking, such as Facebook and Twitter, presents many of the same perils, but merits its own discussion because of the unique aspects of online interactions. Recognizing that faculty and staff likely are using social media at an increasing pace, schools should formulate and communicate policies for staff online social media interactions with students and parents.

Adult Use Of Social Media

It should come as no surprise to any school administrator that many of your employees are on Facebook. Indeed, they probably use more than one social networking site – it is quite likely faculty and staff members also are using Twitter, LinkedIn, and others. Facebook statistics indicate that:

- at least 35% of Facebook users are over 35 years of age;

- users spend 700 billion minutes per month on Facebook;

- 200 million active Facebook users access the site through their mobile devices; and

- Facebook is the second most frequently visited site on the Internet (after Google)

So some of your faculty and staff members undoubtedly spend some of their off hours on Facebook, either at home, from their mobile devices and perhaps even from school premises during breaks in their work schedule. Facebook of course also is heavily used by your students, and as a result can become a seemingly casual and freewheeling format for off-duty and off-site interaction between students and employees.

Statistics suggest some of your employees likely also are "tweeting" messages out through Twitter's abbreviated, casual messaging service. Twitter boasts more than 175 million users, who send out more than 95 million messages per day. Twitter messages – "tweets" – are limited to 140 characters, which often precludes the type of careful wording administrators normally demand when communicating with members of the school community.

Each Twitter user receives a live stream of tweets from any other Twitter users they are "following." This service provides a format for the broadcasting of unfiltered abbreviated messages, which under

This service provides a format for the broadcasting of unfiltered abbreviated messages, which under Twitter's default settings can be searched for and viewed by anyone, whether they are "following" the particular user who issued the tweet or not.

LinkedIn is a professionally-focused business-networking site. It has more than 90 million members whose average age is 41 years old. Average household income of a LinkedIn user is approximately $110,000, and 25% have an investment portfolio value of more than $250,000. Your students' parents are likely heavily represented on LinkedIn. And so are your faculty members. Searches on LinkedIn in June 2011 showed approximately 8000 secondary and primary education faculty and staff members on LinkedIn in the Philadelphia area alone; 7300 in the Dallas area; and 9200 in the San Francisco area. LinkedIn is an online place where your employees and parents are quite likely to meet, network, and exchange information with each other.

The Dangers Presented
There are three primary groups with whom faculty and staff might interact that should be considered as part of any school's social media policy:

1. Networking with students

There is a line that schools walk every day in trying to both foster and manage student-teacher relationships. These relationships are essential to any school's mission, but there are dangers when those relationships continue outside of official school activities. Given the strong relationships that sometimes develop during school hours and extracurricular activities, it should be no surprise that students and faculty or staff might seek to "friend" each other on social networking sites like Facebook. When a student and teacher become friends on Facebook, there are a series of risks that arise almost immediately. Here are some examples:

- the teacher may learn things about the student that the teacher might never ask about otherwise, such as religious views, political leanings, sexual orientation, dating habits, drug and alcohol use, and a variety of other activities;

- the teacher may learn all of those same things about the friends of the friended student; or

- the student may learn things about the teacher that the student should not know, and the casual nature of Facebook sharing and communication can erode the professional boundaries schools generally want to maintain.

Our advice: For these reasons, we recommend that schools prohibit teachers from connecting with students on social networking sites, such as Facebook. Faculty and staff should be instructed to decline any "friend" or connection invitations they receive from students. Likewise, faculty or staff who use Twitter might be instructed to change from Twitter's default settings, making their tweets accessible only to viewers who request permission from the user to "follow" that user and thereby view his or her tweets. This would allow the faculty or staff member to decline any requests from students to follow. So that students do not take Facebook or Twitter declinations as a slight, consider

communicating to students that school policy prohibits faculty and staff from engaging in online social networking with students.

2. Networking with parents

The adult-to-adult nature of the faculty and staff relationship with parents makes it a closer decision for schools when considering the pros and cons of faculty and staff networking online with parents of students. Social networking – especially on professionally oriented sites such as LinkedIn – can be a very fruitful way to build a sense of common purpose and support among the adult members of the larger school community.

Faculty, staff, or even administration may find the networking powers of a site like LinkedIn to be very useful in development, marketing and recruiting efforts. The easiest policy to administer, of course, would be to prohibit faculty and staff from connecting with parents online, but many schools may prefer to manage this potentially useful activity rather than ban it.

Our advice: If your school decides to allow networking online with parents, consider a policy that requires faculty, staff and administration to conduct themselves in their online interactions with parents according to the same standard of behavior that is demanded of in-person interactions. Professionalism should continue to govern. Schools may wish to consider a policy that prohibits networking with parents if the faculty or staff member's shared information on that site includes information that normally would not be permitted to be shared with parents.

A practical approach might be to suggest that faculty and staff connect with parents only through a professionally oriented site like LinkedIn, which is constructed to share only the types of information that are appropriate for professional or business-oriented interactions. It is much less freewheeling than Facebook, and as a result is less likely to cause problems.

3. Networking with other faculty and staff Members

Schools should not attempt to restrict their employees from networking with each other online. The National Labor Relations Board has been aggressively acting to protect its belief that employees – whether unionized or not – have the right to talk to each other about their working conditions, their compensation, their supervisors, and their employer. This means an employee's rights to make negative comments about a supervisor or about your school are, to some degree, protected if the employee is communicating with other employees about it.

Our advice: Proceed with extreme caution in this area. Generally, it will not be a good idea for a school to attempt to restrict its employees' online communications with each other. In the event that the school learns of negative or harmful statements or online postings by an employee, the school should consult with employment law counsel before taking action. Compliance with applicable labor law protections for employees in this type of circumstance will require a fact-specific discussion with counsel.

4. Discussing students, families or school business online

Most of us probably have already heard about the highly publicized case of Natalie Monroe, the suburban Philadelphia high school English teacher who blogged on her personal blog site that her students were "rude, lazy, disengaged whiners." She blogged under a pseudonym and, while she was quite critical of students in general, she did not name any names. Her public school district suspended her and she became the topic-of-the-month for February 2011. Her lawyers threatened litigation and suggested First Amendment rights were being violated. Independent schools of course are not public entities so the First Amendment does not come into play, but all schools should consider how they want to address this type of issue in their policies.

Our advice: Schools should remind all employees that their duty to maintain confidentiality of personal information about students and families governs them at all times, including during their online activity. Schools may want to consider a policy that, if employees choose to have personal blogs or Facebook accounts, they are not permitted to identify themselves as speaking on behalf of the school.

Some schools may even want to encourage blogging or social media activity by employees as part of their job duties. If your school goes in this direction, a social media policy will be an important tool to guide employees in their use of social media on behalf of the school.

There is no one-size-fits all approach for schools in dealing with social media. A school's policies must reflect and further the culture the school seeks to cultivate. But regardless of how you decide to handle social media at your school, it will be important to formulate a clear social media policy that acts in concert with the school's core beliefs and existing policies.

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