

AVOIDING SOCIAL MEDIA PITFALLS: 3 TIPS FOR PRIVATE AND INDEPENDENT SCHOOLS TO HELP EMPLOYEES MAINTAIN A PROFESSIONAL ONLINE PRESENCE

Insights
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What is the first thing most parents do when their child is assigned a new teacher? Many would say “Google them” — which highlights the importance for schools to recognize that your employees’ online and social media presence is ripe for scrutiny. Your employees should understand that their social media activities present certain unique risks inherent to their status as not just educators but also role models for students. Is it time to review and potentially revise your approach to social media and online activity to reflect the modern era? Here are three tips to keep in mind.

1. Decide What Guidelines or Limits Are Right for Your School

While schools are not typically laser focused on their employees’ social media posts, they often have policies allowing them to take action when a problematic online presence is brought to their attention. For example, schools often create guidelines for – or impose limits on – discussions about the school or school-related topics and prohibit employees from posting pictures of students or accepting “friend” requests from current students.

You’re probably not regulating employees’ personal social media accounts unless they violate school policy or otherwise impact your interactions and relationships with students, parents, other employees, and the community. But as a best practice, you should ensure your policies set clear expectations and guideposts to be proactive rather than to simply react after an online post becomes problematic.

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You may be wondering if employees have a First Amendment right to free speech as it relates to their social media accounts. While employees may believe that their speech is protected, private and independent school employers are not government actors and can generally impose restrictions and take action based on employees' social media postings. Just keep in mind that some states protect certain lawful off-duty activities, so you'll want to ensure your policies are compliant with those parameters.

Consider reviewing your employee and family handbooks on an annual basis. Indeed, now is a good time to do a handbook "checkup" to ensure your school has the proper policies in place outlining expectations related to employees' social media and technology usage.

You should also pay attention to how various policies overlap with one another to be sure they are consistent. For example, policies should be drafted to allow the school to take action if an employee makes a discriminatory post on a social media platform or fails to maintain appropriate adult-student boundaries.

2. Educate Employees on the Potential Perils of Posting Online

Make sure employees know what you expect of them. Do they know the potential impact of their online presence and social media posts? Concerns are obvious when a social media account is public. Not only can everything that the employee posts be seen by others, but depending on privacy settings, everything posted to the employee's accounts by their friends can be seen as well (and their friends may not demonstrate the same level of discretion).

Even when an employee sets their social media profile to "private," comments or images may be seen by non-friends and may ultimately be viewed by administrators or parents. For example, this may include a "friend" who takes a screenshot and shares it with others or a "friend" with a public profile who "tags" the employee and shares the post publicly.

Moreover, a comment made to a small group can suddenly and unexpectedly go viral. Oftentimes, employees might forget that a "friend" from their past has connections to their current school and could share information with the school about inappropriate content.

These are all reasons we recommend schools conduct the appropriate trainings to “educate your educators” on the pitfalls of social media use and how to maintain a professional online presence. Employees should be familiar with your policies so there are no surprises if you decide to take action.

3. Train Your Administrators on How to Respond

What should your administrators do when they discover an employee’s social media post that is vulgar, overtly sexual, politically or socially divisive, or otherwise inappropriate or controversial?

Administrators should be properly trained on your school’s policies and should know how to handle investigations, difficult conversations, and possible resolutions. Be sure they have the resources to successfully navigate these sensitive issues – and consider designating a point of contact on your leadership team to take the lead on social media policies, practices, and investigations.

If your school receives a report regarding inappropriate content or concerning posts, conduct a proper investigation and connect with your attorney for further guidance. Furthermore, be sure to follow your policies and procedures consistently and fairly if your school decides to take any disciplinary action against an employee related to their online activity.

Conclusion

If you’re looking for practical advice and guidance on how to develop robust policies and practices and appropriately address social media concerns, please consult your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Education Practice Group](#). We will continue to monitor the latest developments and provide updates as warranted, so you should ensure you are subscribed to [Fisher Phillips’ Insight System](#) to gather the most up-to-date information.