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## **Social networking: Tips from MSEA's Legal Team**

Most of us know by now that 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 pages, like MSEA's on Facebook ([facebook.com/marylandeducators](https://facebook.com/marylandeducators)), are also a great tool for multi-way communication and can help people quickly organize around specific issues.

**Here's a quick guide to help you stay safe and protect your job while enjoying the benefits of social networking sites.**

**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:**

Employees with tenure rights can be suspended or discharged only if, in a due process hearing, the school district can show misconduct, willful neglect of duty or incompetence. 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 or will likely impact on the employee's ability to perform his/her job in order to uphold employee discipline.

Employees 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:

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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 MSEA member who is threatened with such discipline should immediately notify their RCTA UniServ representative for legal assistance.

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## You and your Facebook: Take precautions—your job may be at stake

Connect with old friends! Share photos! Keep in touch! Kind of like a 21st century global water cooler, right? But Facebook and other social networking websites can be a real hazard for educators, whose positions as quasi-public figures put them in a position unlike any others in their community.

Now, take the first sentence of this story and change it to what's really getting posted on Facebook pages, especially on those of many young professionals and high school and college students.

It's not hard to imagine how things can get a little tricky for young, early-career educators. Revered by the third graders, labeled cool (or not) by seventh graders and not far from being a peer to twelfth graders, new educators put their reputations with both students and the community at risk when their private lives are exposed through social networking sites like Facebook.

Many new educators find their high-visibility roles in the community a challenging adjustment. At a recent SPARKS event, Frederick County educators shared their stories and concerns about being a searchable, easily accessible presence online with MSEA attorney Saurabh Gupta.

"Friends of mine have needed to delete photos because of 'inappropriate' actions like drinking or their clothing choices," said Jonathan Araujo. "Some were meant to be silly, like Halloween costumes, but others were things that the teachers just didn't realize were a problem."

"Use social networking sites with great care. I recommend educators put their content through 'the mom filter.' If your mom won't like it, neither will parents, administrators or community," Gupta cautioned. "A good way to check what other people are seeing on your Facebook is by using a friend's account to view your page, then making the necessary adjustments to your privacy settings."

### Member-to-Member Tips for Using Facebook

Twenty-something educators from Frederick County helped create this list of don't-miss tips.

- Make sure only your friends can view your search listing and profile. Click Account, then Privacy Settings, and select the custom option. Then make sure all options are set to "Friends only."

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- Remove yourself from search listings. Facebook profiles now show up in search listings, but you can limit who can find you through searches. Under Privacy Settings, select Basic Directory Information. Customize each option so that only personal contacts will be able to locate you.
- Be vigilant about what others post about you. “Untag” photos of yourself that you don’t want students or parents to see.
- Choose an obscure username that students won’t think of, recognize or search on Google.
- Don’t accept friend requests from current or potential students or their family members. Be careful about accepting requests from former students.
- Before posting something, ask yourself, “Would I want my [principal, students, parents] to see this?”
- Be careful about linking your Facebook with other social networking sites. If you update your status on a linked Twitter account, it will publish to Facebook where others might see it.
- Monitor what is being published about you. If you’re concerned that old friends or contacts could include you in online postings without your knowledge, try setting up a Google alert with your name, just to be safe. A Google alert will send you an email anytime your name is published.