

Social Media 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), are also a great tool for multi-way communication and can help people quickly organize around specific issues.

EDUCATORS ON SOCIAL MEDIA—DOs AND DON'Ts

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.
- **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.
- **Use common sense** when you're using social media.

Don't ...

Accept anyone who you do not know as a friend.

Post negative information about your students or school administrators. This includes information that can easily identify a student or administrator.

Join groups that may be considered unprofessional or inappropriate, and leave any such group that you are already a member of.

Vulgar or obscene language, materials, photos or links that may be considered inappropriate or unprofessional.

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 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:

- If the employee is merely speaking about matters of personal concern, e.g., social activities, partying, personal gripes, etc.; or
- 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 local association UniServ representative for legal assistance.

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