

Kanawha County Board of Education Policy Series C58 - Social Media Policy

58.01 Kanawha County Schools recognizes that social media can be used either as part of the School District's educational mission or for business purposes, or as part of the Users personal or commercial online presence. Mobile electronic devices, portable or stationary computers, and School District networks and systems, as well as Users' networks, systems, computers, and devices are available for (or provided for) Users to carry out their social media activities. The purpose of Kanawha County Schools ("School District" or "KCS") Social Media Policy is to establish rules and guidance for the use of social media by students and employees (collectively "Users"), when such use has a rational nexus to the User's employment or school environment. A social media blunder is a critical problem with the potential to injure students, employees, guests, and others, to lose confidential information and data, to set back any progress that the School District has previously made, and to subject the User or the School District to litigation.

58.02 Definitions

Social Media – includes websites that incorporate one or more of the following:

- **Blogs** – are web logs or journals where authors and users can post textual, audio, or video content, and where some permit others to post comments on their blogs. Some websites enable individuals to create free standing blogs, other special interest websites use blog tools and message forums to engage users.
- **Microblogs** – are websites and spaces that allow users to post short blog entries. Twitter is an example, as well as other sites that invite users to post short status and location updates such as Facebook and Foursquare.
- **Social networks** – are websites where users can create customized profiles and form connections with other users based on shared characteristics and interests. Websites such as Facebook, Instagram and Snapchat tend to foster personal social contact among "friends", while websites such as LinkedIn are oriented toward professional networking. Many School Districts and businesses are also establishing a presence on social networks.
- **Media sharing** – are websites where users post and share videos, audio files and/or photos as well as tag them to enable searchability. Examples include, but are not limited to, YouTube, Flickr, Google Photos, and Google Video.
- **Wikis** – are resources or documents edited collaboratively by a community of users with varying levels of editorial control by the website publisher. Wikipedia is an example.
- **Virtual worlds** – Web or software-based platforms that allow users to create avatars or representations of themselves, and through these avatars to meet, socialize and transact with other users. Second Life and other virtual worlds are used for social purposes and e-commerce, non-profit fundraising, and videoconferencing.
- **Messaging Apps** – The messaging ecosystem boasts over 20 different social and sharing features that act as SMS platforms. They offer group chats, video conferencing, voice calling, content sharing and much more. Many also offer the ability to shield your identity

and remain nameless. Messaging Apps act primarily as a one-to-one communication platform that can be temporary or long lasting. Content is usually intended to remain private, however, often that content is shared with others.

Social media includes communication, collaborative sharing, and reaching students, employees and guests for educational purposes using websites, platforms, resources, or documents. Examples include but are not limited to Google Apps, Teacher Tube, Schoology, and Edmodo.

Social media can be engaged in by various ways, for example, through text messages, instant messages, and email by using personal accounts such as Gmail, Yahoo, and Hotmail on personally acquired services, systems, and networks, and/or through text messages, instant messages, and email by using School District accounts on School District services, systems, and networks. Personal digital assistants, cell phones, smartphones, computers, and other devices could be used to engage in social media. As well, chat services such as G-Chat, Blackberry Messenger, iChat, and FaceTime can be utilized. Additional social media may be developed in the future that could be covered by this Policy. Future developments in social media, messaging apps, sites, and communication devices would also be covered under this policy.

58.03 The School District has the right, but not the duty, to inspect, audit, review, or retain electronic communication created, sent, displayed, received or stored on and over the School District's CIS systems or on computers and other devices owned by the District. Further, the School District has the right, but not the duty to monitor, record, check, track, log, access, audit, or otherwise inspect its CIS systems or computers and other devices owned by the District. "CIS" means computers and other electronic devices, network, Internet, electronic communications, information systems, databases, files, software, and media. As outlined in 58.12, the User has no expectation of privacy in h/her use of the School District's CIS systems or on computers and other devices owned by the District.

58.04 The School District has the right, but not the duty, to inspect, review, or retain electronic communication containing School District information or information created or maintained as a part of a User's employment with the School District, regardless of whether said information or communication was created, sent, displayed, received or stored on User's personal computers, electronic devices, networks, internet or electronic communication systems.

58.05 Sections 58.03-58.04 applies no matter where the use occurs whether brought onto School District property, to School District events, or connected to the School District network, or when using mobile computing equipment and telecommunications facilities in protected and unprotected areas or environments, directly from home, or indirectly through another social media or internet service provider, as well as by other means. All actions must be conducted in accordance with the law, assist in the protection of the School District's resources, insure compliance with this Policy, any administrative regulations, or other School District or West Virginia Department of Education policies, regulations, rules, and procedures, social media and internet service providers terms, or local, state, and federal laws, including, without limitation West Virginia Board of Education Policy 2460, which outlines acceptable usage in an educational

environment. This policy is the basis of Kanawha County Schools' acceptable use policy which students and employees review annually.

58.06 The School District will cooperate to the extent legally required with social media sites, internet service providers, local, state, and federal officials in investigations or with other legal requests, whether criminal or civil actions.

58.07 The School District intends to facilitate a learning and teaching atmosphere, to foster the educational purpose and mission of the School District, and to protect its computers, devices, systems, network, information and data against outside and internal risks and vulnerabilities. Users are important and critical players in protecting these School District assets and in lessening the risks that can destroy these important and critical assets. Consequently, Users are required to comply fully with this Policy and any administrative regulations as well as the KCS's Acceptable Use Policy, and all other relevant KCS policies (for example, the Student Behavior Policy), administrative regulations, rules, procedures, social media terms of use and other legal documents, and local, state and federal laws.

58.08 Users are encouraged to report any violations or suspicious activities to the Superintendent and/or designee. Users' conduct that violates this policy will result in actions further described in the Consequences for Inappropriate, Unauthorized and Illegal Use section found in Section 58.17 of this Policy. Further, all Users activity that falls within this Policy is subject to all other policies and regulations, rules and procedures, including, but not limited to, Policies C53 – Bullying, Harassment, and Intimidation, G50A – Racial, Religious, and Ethnic Harassment and Violence, J12A – Title IX Grievance Procedure, C27 – Good Sportsmanship, and J25 – Student Behavior. Finally, if a User believes there is a conflict in the requirements of this Policy and/or any other policy, regulation, rule and/or procedure, the User must bring the matter to the attention of his/her supervisor, teacher, or administrator, who will in turn assist the User.

58.09 It is the responsibility of all Users to consider carefully their behavior and what they place online when communicating with or "friending" any individual. The Technology Director, or designee, is authorized to access Users' postings on private or public locations and on School District servers, hard drives, systems, and networks under the direction of the Superintendent, and/or designee, law enforcement, a court order, a subpoena or other legal action or authority. Users may not coerce others into providing passwords, login, or other security access information to them so that they may access social media or locations that they have no authorization to access. Users should note that information that they place in social media and designate as private can be accessed in litigation, can be distributed by their friends, and can be accessed in other various legal ways.

58.10 The Superintendent, and/or designee, is hereby granted the authority to create additional administrative regulations, procedures, and rules to carry out the purpose of this Social Media Policy. The administrative regulations, procedures, and rules may include, among other items, guidance in implementing and using School District educational social media and commercial

social media, and the responsibility of Users for their own behavior when communicating with social media.

58.11 It is often necessary to access Users' School District accounts in order to perform routine maintenance and for other legal reasons. System administrators have the right to access by interception, and to access the stored communication of User accounts for any reason in order to uphold this Policy, accompanying administrative regulations, the law, and to maintain the system. **USERS SHOULD HAVE NO EXPECTATION OF PRIVACY IN ANYTHING THEY CREATE, STORE, SEND, RECEIVE, OR DISPLAY ON OR OVER THE SCHOOL DISTRICT'S CIS SYSTEMS, AND THE SCHOOL DISTRICT'S AUTHORIZED THIRD PARTIES' SYSTEMS, INCLUDING THEIR PERSONAL FILES OR ANY OF THEIR USE OF THESE SYSTEMS.** The School District reserves the right to access, view, record, check, receive, monitor, track, log, store, and otherwise inspect and utilize any or all CIS systems, and authorized third parties' systems, and to monitor and allocate filespace, and other purposes. Users of the School District's CIS systems, and third party systems, who transmit or receive communications and information shall be deemed to have consented to having the content of any such communications accessed, viewed, recorded, checked, received, monitored, tracked, logged, stored, and otherwise inspected or utilized by the School District, and to monitor and allocate filespace. Passwords and message delete functions do not restrict the School District's ability or right to access such communications or information.

58.12 Users are responsible for their own behavior when communicating via social media. They will be held accountable for the content of the communications that they state/post on social media locations should such communications violate the School District's employee and student conduct requirements. This includes communications, conduct or actions occurring after school or work hours, if the communication, conduct or action (1) directly affects the performance of the occupational responsibilities of the User or (2) the conduct becomes subject of such notoriety as to significantly and reasonably impair the capability of the teacher and/or school officials to discharge his/her/their education and/or occupational responsibilities. Examples of inappropriate communications made during or after the school or work day that may not be included in Users social media, include but are not limited to (i) confidential, personally identifiable School District information about students or employees, which is prohibited to be disclosed pursuant to federal or state law, such as FERPA and HIPAA and is not subject to disclosure under the Freedom of Information Act; (ii) child pornography, sexual exploitation, bullying/cyber bullying, as prohibited by Kanawha County Schools' Policy C53 and West Virginia Board of Education Policy 4373; (iii) use of photos, videos, or other information about students without permission of the student's parent or guardian, (iv) defamatory or discriminatory statements and images, which would violate any Kanawha County Schools' policies, including, without limitation, Cultural Diversity Policy, Title IX Grievance Procedure, Religious, Racial-Ethnic Harassment and Intimidation Policy, and which are either done during the school or work day, or, if done after school or work hours, cause or is reasonably contemplated to create a disruption in the school or working environment or the conduct becomes subject of such notoriety as to significantly and reasonably impair the capability of the teacher and/or school officials to discharge his/her/their education and/or occupational responsibilities; (v) proprietary information of the School District and/or a School District's vendor,

(vi) infringe upon intellectual property, such as copyright ownership, and circumvented technology protection measures (vii) terroristic or other threats, and (viii) illegal items and activities.

- a. Although the lines between public and private, personal and professional, can become blurred in the digital world, you will always be viewed as a KCS employee. Whether it is clearly communicated or not, you will be identified as an employee of the school district in what you say online. As a result, should your communication, conduct or action that occurs after school or work hours (1) directly affect the performance of the occupational responsibilities of the User or (2) the conduct becomes subject of such notoriety as to significantly and reasonably impair the capability of the teacher and/or school officials to discharge his/her/their education and/or occupational responsibilities, the User may face discipline.
- b. Never use social media sites to discuss a KCS student or employee in a way that is or could be perceived as derogatory, critical or in any manner that could be considered libelous. Do not denigrate or insult others including students, staff, administrators, parents, the district or other districts. To the extent any communication that occurs after school or work hours that may be derogatory, critical or libelous (1) directly affects the performance of the occupational responsibilities of the User or (2) the conduct becomes subject of such notoriety as to significantly and reasonably impair the capability of the teacher and/or school officials to discharge his/her/their education and/or occupational responsibilities, said communication may be regarded. A violation of this policy, guidelines and/or relevant laws could be regarded as a form of professional misconduct and may result in disciplinary action. This provision is not intended to prohibit the right of an individual to comment on matters of interest to the general public.

58.13 Users may not unreasonably use their personal computers, devices, services, systems, and networks during the time they are required to be fulfilling their work, learning, school responsibilities, or volunteer requirements in a manner that is not work related or interferes with the individual's job duties. The West Virginia Department of Education blocks many commercial social media sites on its computers, devices, servers, networks, and systems, therefore Users may not use commercial social media during their work, school, and volunteer responsibilities unless approval has been granted by the Superintendent or an administrator, and the commercial social media has been opened for that person(s) and purpose only (see also relevant sections of the Acceptable Use Policy). Users should not use their Kanawha County Schools' email for personal communications or to sign on to social media networks without District approval.

58.14 Where Users place their communication in "privacy" marked social media, they cannot expect that their information will not be disclosed by a person within their "private marked group". Such information may be disclosed by others within the "private group", or the information may be discovered as part of the discovery process in litigation, or it may be disclosed by other means. The School District may be provided this information and be required to investigate it further. Information that the School District obtains may be disclosed without limitation for purposes of investigation, litigation, internal dispute resolution, and legitimate business purposes regardless of whether the particular User is involved. Information that a User deleted may be recovered indefinitely by the School District. The Superintendent, or designee, as part of digital citizenship

curriculum, will provide training for employees and instructional sessions for students and, if appropriate, for guests to assist them in knowing the importance of and how to use social media appropriately, and how to comply with the requirements of this Policy, and any accompanying administrative regulation(s), procedures, and rules.

58.15 A User who has a material connection with the School District and endorses a School District product or service may have an obligation to disclose that relationship when the User makes such a statement using social media. The User should contact the Superintendent, and/or designee, to assess the various factors applicable in determining whether disclosure is applicable. Users may not use the name of the “Kanawha County Board of Education”, “Kanawha County Schools”, or any name of any school within the School District or their logo or mark in any form in social media, on School District internet pages or websites, on websites not owned or related to the School District, or in forums/discussion boards, to express or imply the official position of the School District without the expressed, written permission of the Superintendent, and/or designee. When such permission is granted, the posting must state that the statement does not represent the position of the School District. The District recognizes that student groups or employees may create social media representing student groups within the District. However, no “User” may create personal or private social media sites that give the impression of being an approved, official, or school-sponsored site without first seeking permission from the Superintendent, and/or designee. When Users choose to engage with these social networking groups, they do so as “Users.” Users have the responsibility for maintaining appropriate employee-student relationships at all times on these networks.

58.16 Consequences for Inappropriate, Unauthorized and Illegal Use. General rules for behavior, ethics, and communications apply when using social networking systems and information, in addition to the stipulations of this Policy and any administrative regulations. Users must be aware that violations of this Policy, administrative regulation(s), or other School District policies, regulations, rules or procedures, or statutes, regulations and laws or unlawful use of social media systems and information, may result in loss of access and a variety of other disciplinary actions, including but not limited to, warnings, usage restrictions, loss of privileges, position reassignment, oral or written reprimands, student suspensions, employee suspensions (with or without pay for employees), dismissal, expulsions, breach of contract, penalties provided in statutes, regulations, and other laws and/or legal proceedings on a case-by-case basis. This Policy, and any administrative regulation, incorporate all other relevant School District policies, such as, but not limited to, Employee Code of Conduct, Student Behavior Policy, Acceptable Use Policy, Bullying, Harassment and Intimidation policies.

58.17 Nothing in this Policy is designed to permit the School District to take any action that would violate any State or Federal law.