

## **Bylaws of the Board**

### **Board Member Use of Internet Social Networks**

The Board of Education (Board) recognizes that reliance on social media as a means of communication is rapidly becoming the norm for school districts. Many school board members are active users of social media, including, but not limited to, such online platforms as Facebook and Twitter, as well as other media such as blogs and personal websites. The Board understands that social media can be a positive tool for fostering community engagement with the school district. However, Board members need to operate with appropriate guidelines when they are communicating online about school district business.

While social networking sites can be an effective and efficient means of communication, Board members need to be aware of the obligations and requirements that arise when using this form of communication. Board members' personal use of social networking sites may be limited or prohibited because of the need to comply with Connecticut statutes pertaining to public records and open meetings as described in the Freedom of Information Act.

### **Compliance with Public Records Law**

Any recorded data or information relating to the conduct of public business prepared, owned, received, or retained by the Board or the school district, whether handwritten, typed, tape-recorded, printed, photo-stated, photographed or recorded by any other method is by definition a "public record" and access to this data shall be granted to any citizen during normal hours of business. This includes communication that school board members and district employees send or receive relating to the affairs of the school district and the official acts of school officials and employees. Electronically stored information generally constitutes a "record" within the meaning of the public records law provided such recorded information is created or kept in connection with school business. The substance of the information, not the format, controls whether it is a public record. As an elected official, a school board member's information contained on a social networking site or a blog, that is created or kept by the Board member regarding the affairs of the district is likely to be considered a public record.

### **Compliance with the Freedom of Information Act**

Board members must be mindful of the Connecticut Freedom of Information Act (FOIA) when using social networking sites. The FOIA defines a "meeting" as any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advisory power (C.G.S. 1-200(2)).

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#### **Compliance with the Freedom of Information Act (continued)**

Board member use of a social networking site may be susceptible to violations of the FOIA due to the ease with which Board members can discuss school business in a manner that may determine the Board's course of action. An online discussion by Board members can result in agreement, tacitly or explicitly to act in a certain manner if the number of Board members is sufficient to reach a quorum.

#### **Social Networking Websites**

Board members need to periodically review the importance of maintaining proper decorum in the online digital world as well as in person. This review is to give special emphasis to Board member use of Facebook, Twitter and other social media.

#### **Code of Ethics**

Use of social media sites by Board members shall be consistent with the Board's Code of Ethics (Bylaw #9270).

When on social media sites, Board members will refrain from disparaging all others on a personal, social, racial, or religious basis. Board members shall not send messages that contain material that may be defined by a reasonable person as profane or obscene; messages that are racist, sexist or promote illicit, illegal or unethical activity.

Board members will recognize that authority rests with the Board of Education and will make no personal promises on social media sites nor take any private action which may compromise the Board.

#### **Maintaining Confidentiality**

Board members will exercise care not to divulge confidential information about students, school employees, or Board business on social media sites. Board members who have access to student information, like District employees, are prohibited from disclosing that information without the consent of the adult student or parent/guardian of a minor. In general, all records related to the individual student maintained by a school constitute confidential student records.

Board members are not to expect that their online conversations will remain private. Discussion of investigations into school issues will not be conducted online. Extreme care must be taken not to disclose confidential information related to students or employees while interacting online.

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### **Board Member Use of Internet Social Networks (continued)**

#### **Social Media Guidelines for Board Members**

The following guidelines are for Board members to consider when using social media in their role as public officials. In using social media to communicate about school district activities, a Board member shall:

1. Clarify that the communication is as an individual member of the Board and not in the role of an official District spokesperson.
2. Avoid deliberating school district business directly with other Board members.
3. Direct complaints or concerns presented online from other individuals to the appropriate administrator.
4. Avoid posting content that indicates a consensus or final opinion on pending matters.
5. Ask for community input through appropriate channels, but will not allow the social network site to direct decisions as a Board member.
6. Post only content that the District has already released to the public.
7. Clarify, when attempting to restate what happened at a previous Board meeting, that the posting on the social media site is not an official record of such meeting. Share information only from the open portions of the meeting.
8. Conduct himself/herself online in a manner that reflects well on the District; avoid posting information that has not been verified and made public by the District; and never post anonymously about school business.
9. Report immediately harassing or defamatory communications to the Superintendent if they involve school officials, staff, students or District business.
10. Retain electronic records, including the Board member's own posts and content others post to the Board members account, when required to do so by the District's retention policy.
11. Report immediately to the District any potential security breaches if the Board member loses control or possession of a District-issued or personal electronic device on which confidential District records could be accessed.
12. Comply with the District's acceptable use policy when using District-issued devices or technology resources, including District Internet access on a personal device.

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#### Social Media Guidelines for Board Members (continued)

- (cf. 1100 – Communications with the Public)
- (cf. 1114 – District-Sponsored Social Media)
- (cf. 3543.31 – Electronic Communication Use and Retention)
- (cf. 4118.5/4218.5 – Staff Acceptable Computer Use)
- (cf. 4118.51/4218.51 – Social Networking)
- (cf. 5125 – Student Records)
- (cf. 6141.321 – Acceptable Computer Use)
- (cf. 6141.324 – Posting of Student Work/Photographs)
- (cf. 6141.326 – Online Social Networking)
- (cf. 9271 – Board Code of Ethics)
- (cf. 9327 – Electronic Mail Communications)
- (cf. 9330 – Board/School District Records)

Legal Reference: Connecticut General Statutes  
The Freedom of Information Act.  
1-200 Definitions.  
10-209 Records not to be public.  
1-210 Access to public records. Exempt records.  
Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.  
Federal Family Educational Rights and Privacy Act of 1974  
Dept. of Education. 34 CFR. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) - parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Bylaw adopted by the Board: April 24, 2018  
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NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

## Social Media Etiquette

As use of blogs, micro blogs, Twitter, Facebook, and cell phone message texting has become more commonplace, it is important for Board members, as elected officials, to make sure there is a clear definition between the school district's and board member's own accounts.

Board members need to keep both communication etiquette and legal restraints in mind when writing in their personal accounts. Remember:

1. The printed word, even if it is written and distributed via the Internet, is 'discoverable', meaning it can be retrieved and used as evidence in lawsuits.
2. Don't assume that you can post any opinion you want citing 'freedom of speech'. More and more headlines are reporting defamation suits filed as the result of those postings.
3. Lawsuits are also being filed against social media users who have not obtained copyright permission prior to posting copyrighted materials (articles and photos). Make sure you have written permission for reproducing information and that you follow a publication's reprint/use guidelines, even if you are using only a small portion of a lengthy article about school improvement or other education-related topic from a publication.
4. Follow district guidelines and state and national privacy laws concerning the release of student information (including use of photos) if you post anything about school district events on a social media outlet. Obtain written permission from parents or guardians prior to posting photos or other identifying information on your personal accounts even if the school district has permission forms on file. Parents may not feel that a Board member's personal account is a place to display their children's information.
5. Don't solicit discussion among fellow Board members on any school district business using social media. While discussion of certain topics may be permitted, err on the side of caution so that you don't find yourself violating legal requirements for open meetings.
6. Even if you are posting to your personal websites, such as Facebook and Twitter accounts, remember that nothing is really personal on the Internet. People have a way of accessing the information, forwarding, copying and pasting and possibly distorting what you have written. Even though you use a personal account, as long as you are on the school board you are a 'public face' of the district and your comments could be misconstrued as reflecting views of the district.
  - a. Include a statement or disclaimer on your account that the opinions you post are yours as an individual.
  - b. Avoid posting your opinions about school district business or Board actions.
  - c. At a Board meeting, discuss with the district's legal counsel the legalities regarding use of a personal social media account while serving as an elected official.
7. If you have a reason to post information about the district, double check to make sure the information is correct. It is easy to transpose numbers, get a date or time incorrect even on the most well-intentioned post, blog entry, or tweet.

- a. Once an error is discovered, make the correction and then note the date/time of the correction at the top of the post or blog. If you've sent an incorrect Tweet, send a new one with 'Correction' at the lead.
  - b. To avoid putting incorrect information on your personal blogs, use links to the school district's home page or blog directing readers/followers to get information from the 'official' source.
8. Commenting on school district business while using one's own computer can put you in a precarious position if a public records request is made of all communications concerning a particular topic. Your personal computer and hard drive, and other data memory equipment could be subpoenaed as part of a lawsuit discovery process.
  9. Remember that once a thought, idea, claim, or suggestion has been distributed via social media, it takes on a life of its own. Think twice when writing anything. Ask yourself if you would want your comments to appear on the front page of the morning paper or as a lead item on the television news.
  10. Don't continue school board discussions or debates using your social media as a vehicle for voicing your dissent or approval of an issue. The Boardroom is the place for discussion and decision, not the Internet.
  11. If you want public comment on a particular issue with which the school board is dealing, don't ask readers/followers to comment on your own message boards or comment sections. Instead, tell readers/followers how to contact the district through e-mail or phone calls that will allow comments to be forwarded to all board members. Be sure to include information on deadlines for submitting comments.
  12. Refrain from using your personal social media account to inflame or incite a public outcry on a topic that is being discussed by the board.
  13. Never post any information gleaned during an executive session, such as that related to personnel, business negotiations, and employee contract negotiations.
  14. If you post to other sites and social media outlets — not under your control — make sure those site's topics and photos are considered to be politically correct as well as socially acceptable for readers of all ages.