

## 803- Electronic Communication and Social Media

### I. Purpose:

The purpose of this Electronic Communication and Social Media policy (the “**Policy**”) is to set rules and guidelines in the ever-changing environment surrounding social media and electronic communication. Social media and electronics provide many benefits, such as communicating with distant friends but also have made the personal lives of individuals much more public.

In particular, social networking sites and apps encourage a blurring of professional and personal relationships that can create unexpected risks for members of our community. Risks in social media and apps typically come through unintended disclosure: online tools allow others to see and/or “republish” material that may have been assumed to be private. In many cases, republishing is automatic and unwitting. In addition, websites and apps increasingly use automation to highlight items of interest without the ability to discern the positive from the negative or the offensive from the benign. A joke between friends can be misconstrued, a photo misinterpreted, or a relationship misunderstood.

As such, when using social media and electronic communications it is important for employees to understand the difference between personal and professional life, maintain confidentiality for school/student matters, and safeguard the reputation of BASSE. It is expected that employees of the school will act with honesty and integrity.

### II. Definitions:

- A. Covered Technology: Any Electronic Communication or social media. For the purposes of this Policy, Covered Technology shall not include any School-Sponsored Technology.
- B. Electronic Communication: Any communication that is sent by, delivered by, received by, or that otherwise uses: (a) email; (b) instant messaging; (c) text message; (d) telephone, including cellular or mobile phone and smartphones; (e) Social-Media site; (f) the Internet; or (g) any other similar technology.
- C. School-Sponsored Technology: Any Electronic Communication or social media that has been officially authorized by the school, that operates under BASSE’s name, and that is paid for by the school.
- D. Social Media or Social-Media Site: Any website, tool, or platform that enables the communication between users or the publication of content by an individual. For illustration purposes only, social media includes, but is not limited to:
  - 1. Social-networking sites (e.g., Facebook, Instagram, Snapchat, Twitter, and LinkedIn);
  - 2. Blogs and microblogs (e.g., WordPress, Blogger, Twitter, Tumblr); and
  - 3. Content-sharing sites (e.g., Flickr, YouTube, Vimeo, Scribd).

4. Additionally, comments posted to a website or blog and other user-generated content are included in the definition of social media for the purpose of this Policy.

### III. Policy Statement:

#### A. Notice of Intent to Monitor

1. Employees are hereby notified that any content posted online may be discovered or reported to the school. For example, information may be discovered by the school as a result of BASSE's efforts to monitor its online reputation, as a result of an investigation or as a complaint, or for other legitimate reasons.
2. Employees are also notified that information received or discovered by the school will be handled in accordance with BASSE's policies and procedures with leveled consequences which could include verbal warning, written warning, and possible termination. Employees are reminded that there is no reasonable expectation of privacy with respect to information published online.

#### B. Scope:

##### 1. Application:

- a) This Policy applies to all employees of the school. This Policy applies without regard to whether such use occurs during working or non-working time and without regard to whether School equipment or property is used or an employee's private computer or device.
- b) The restrictions herein apply only to the use of social media and apps within the context of BASSE's student population. While this Policy provides important guidelines for School employees, it is not intended to restrict the use of apps and social media *among employees*.

##### 2. Applicability of Other Policies:

- a) This Policy is intended to supplement, not replace, other School policies. Please note that the use of BASSE's network and computer systems are governed by the Acceptable Use Policy, and may restrict the type, purpose, and content of material employees transmit and receive to the degree permitted by federal and state law. It's also important to note BASSE's Employee Handbook, including its policies governing Sexual Misconduct, Sexual and Other Unlawful Harassment, Anti-Discrimination, and Cell Phone Usage During Working Hours, do apply to online activities.
- b) In addition, because there is no reasonable expectation of privacy

with respect to information published online, employees may be subject to corrective action for their use of social media if such use interferes with the ability of the employee to perform his or her job duties or interferes with BASSE's effective and efficient operations. BASSE's expectations and standards for professionalism and confidentiality extend to online activities.

3. Questions About this Policy:

- a) Because of the rapidly changing and constantly evolving nature of the Covered Technology, it is likely that issues will arise that are not specifically addressed by this Policy. Any employee who is uncertain about the application of this Policy to a particular scenario or in a particular set of circumstances should seek the guidance of Human Resources before engaging in the questionable online use.

C. Rules and Regulations:

1. Employees' online conduct is subject to the same standards as off-line conduct. The following is not intended to be comprehensive or exclusive.

2. Friending and Following:

- a) Employees are strongly discouraged from friending, following, subscribing, tagging, or buddy-listing, or similarly linking with any current student regardless of age or any former student under the age of 18 on social media.
- b) Employees are strongly discouraged from commenting on the Social Media posts or blogs of any current student regardless of age or any former student under the age of 18. This restriction applies at all times (not just "work hours") and is in effect regardless of whether employees are using school-supplied technology or the BASSE network.
- c) Should an employee friend, follow, subscribe, tag, buddy list, or similar with any student, they will be held to all aspects of this policy regarding prohibited conduct and should assume no reason of privacy for anything posted, shared, or commented on social media.

3. Prohibited Social-Media Conduct and Use – In the context of Social Media, Employees may not:

- a) Promote or endorse any illegal activity, including the use of illegal drugs and the consumption of alcohol by any underage person;
- b) Incite violence towards any person or persons;

- c) Threaten any person or persons;
  - d) Promote or endorse discrimination against or harassment of any individual or group based on race, religion, gender, disability, sexual orientation or other characteristic protected by law;
  - e) Disclose any confidential School information;
  - f) Publish any recording or image of a student (including audio, video, and pictures), taken on School property without express advance authorization, except in instances where the employee is acting in the capacity of a parent, legal guardian or relative;
  - g) Post on their own Social Media pages or accounts during the work day with the exception of during a duty-free lunch or break.
4. Electronic Communications – Employees may engage in Electronic Communications with students under the following circumstances and conditions:
- a) The communication is for a legitimate purpose specifically related to the employee’s official job duties.
  - b) If the communication is for a legitimate purpose that is not specifically related to the employee’s official job duties, but does not conflict or interfere with such duties, the employee must abide by Delaware Annotated Code, Title 16, sections 903, 904, 905 and 914. (See Appendix A for a summary of the applicable code sections.)
5. Unofficial Social Media Accounts:
- a) School-Sponsored Technology may be created only with the approval of the Head of School. Unofficial sites may not use or approximate BASSE’s full name (Bryan Allen Stevenson School of Excellence or BASSE), logo, seal, motto, etc., and must clearly indicate that materials and content are unofficial in nature.

- b) Current sites will have six (6) months from the adoption date of this policy to make changes and/or seek approval to be in compliance with sub section 5.a of this policy.

6. Duty to Report:

- a) Just as all employees have a duty to report a violation of BASSE's Anti- Discrimination and Anti-Harassment policies, so, too must employees report any known or reasonably suspected violation of this Policy. Thus, any employee who observes or who becomes aware of the violation of this Policy by another employee has the duty to report such information to the Head of School and to cooperate fully in any resulting investigation.
- b) Failure to report a known or reasonably suspected violation of this Policy may result in corrective action.

7. Guidelines – Employees who use social media should be aware of and avoid the risks associated with such use. While not part of the formal rules and regulations above, the guidelines that follow are intended to assist employees to avoid such risks:

- a) Exercise care with privacy settings and profile content. Employees should assume everything they post is public.
- b) Once published on the Internet, information cannot be retracted or deleted, and its further publication cannot be limited or prevented. Employees should assume everything they post is permanent.

8. Friend Requests:

- a) Employees are encouraged to consider the dynamics of particular relationships and the line between personal and professional when considering whether to invite or to accept friend requests.
- b) Employees are also encouraged to exercise discretion when considering whether to invite or to accept friend requests from colleagues. Even when made with good intentions, such invitations may not be well received and can give rise to awkward or uncomfortable situations or, worse, may be seen by the recipient as inappropriate or coercive.

- c) Employees are encouraged to exercise caution when participating in online discussions.
- d) Employees should remember that their associations with particular people, groups, and content postings may inadvertently communicate a lack of tolerance to students and adults who accept differing views.
- e) Employees should realize that when one “share[s],” “tag[s],” “upvote[s],” or comments (or perform similar actions) on others’ postings, that information may be automatically shared with or posted beyond one’s immediate network.
- f) Use of a false identity is a violation of the terms of service of many social networking sites, may violate federal laws, and does not eliminate liability.
- g) Employees should carefully consider the use of the universal logins provided by social networks like Facebook and Twitter; using these logins may result in unexpected disclosure of your and others’ personal information.
- h) Note that web properties owned and integrated into social networks may automatically display content from one site/app onto another site/app where one’s profile may have different privacy settings.

D. Exceptions:

1. Policy for Friending of Employee Children:

- a) Employees who have students attending BASSE may friend or follow their children. This exception applies only to direct parent/caregiver/child online linkages—not to more distant or indirect relationships. In this case, employees and their children should take extra care to appropriately adjust privacy settings.

2. School-Sponsored Technology:

- a) Certain employees are designated as managers for BASSE’s official social media efforts may be exempt from some portions of the policies above. Exceptions will be specifically granted by the head of school to facilitate official activities and do not extend to those employees’ personal and unofficial comments and activities.

IV. Responsibility:

- A. It is the responsibility of all staff, volunteers, and representatives of BASSE to abide by all aspects of this policy.
- B. The Head of School and Board of Directors are responsible for ensuring this policy is followed.

Related Policies:

- A. Acceptable Use Policy:

Related Procedures and Documents:

- A. State of Delaware Acceptable Use Policy: <https://dti.delaware.gov/security/delaware-acceptable-use-policy-self-test/>
- B. Employee Handbook

Approval: 01/23/2023

Revision Dates:

Revision Draft

## Appendix A

Summary of Delaware Annotated Code, Title 16, sections 903, 904, 905 and 914.

### § 903. Reports required.

*Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.*

### § 904. Nature and content of report; to whom made.

*Any report of child abuse or neglect required to be made under this chapter shall be made to the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division.*

### § 905. Telephone reports, Child Protection Registry and information system.

*The Division shall establish and maintain a 24-hour statewide toll-free telephone report line operating at all times and capable of receiving all reports of alleged abuse and neglect as defined in § 901 of Title 10.*

*The Division shall maintain a Child Protection Registry and an internal information system as defined by § 902 of this title. Reports unsubstantiated may be kept in the internal information system by the Division at its discretion.*

*Although reports may be made anonymously, the Division shall in all cases, after obtaining relevant information regarding alleged abuse or neglect, request the name and address of any person making a report.*



*Upon receipt of a report, the Division shall immediately communicate such report to its appropriate Division staff, after a check has been made with the internal information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, or any reports regarding any siblings, family members or the alleged perpetrator, and such information as may be contained from such previous reports.*

*Such relevant information as may be contained in the internal information system shall also be forwarded to the appropriate Division staff.*

§ 914. Penalty for violation.

*Whoever violates § 903 of this title shall be liable for a civil penalty not to exceed \$10,000 for the first violation, and not to exceed \$50,000 for any subsequent violation.*

*In any action brought under this section, if the court finds a violation, the court may award costs and attorneys' fees.*