

## Social Networking, Use of Internet, Texting, Etc - Public Employees Now at Greater Risk

In a recent Supreme Court ruling (*San Diego vs. Roe*, 2004), our highest court made it clear that in certain cases the privacy of a public employee is not a shield for behavior that adversely affects the public's confidence in that employee. The court upheld that a police officer who posted suggestive pictures of himself on the Internet (even though he did this on his own time and on his own computer and in a legal manner) could be dismissed if it was deemed that his/her behavior destroyed the confidence of the public he/she was to serve. Consequently, the Court ruled that public employees are held to a higher standard than the average citizen.

This ruling has dramatic ramifications for all public employees, especially teachers. In our ever-changing world where social networking like Facebook, MySpace, YouTube, and other Internet systems have become commonplace, teachers must take extra care to protect themselves. It is also especially concerning that a teacher does not have to post material on the Internet in order to be affected by the material. With the advent of camera cell phones, it is not uncommon for students to record a teacher without the teacher's knowledge and post pictures and/or videotape of the teacher on YouTube or other Internet social networking sites.

Two years ago I attended a very informative conference session regarding this subject at the CTA Spring Leadership Conference. Please take note of the following "common sense recommendations" from CTA's legal department to protect yourself. If you have any comments or questions, please email me at [mkercheville@bousd.us](mailto:mkercheville@bousd.us) or call me on my cell phone, 714.865.7878.

1. When possible, use district-sanctioned avenues to communicate with students, such as district email, district phones, and educational portals like "Blackboard."
2. If a student unexpectedly contacts you through a social networking site, don't respond. Later, ask the student to contact you through district email if it is a school-related matter.
3. Document your communications with students.
4. When at school, follow your district's acceptable use policy for the Internet. If your district blocks sites like MySpace, don't use proxy sites or an override password to bypass the district filter and access these sites.
5. If you use MySpace or other social networking sites, set your profile to private, Include as little personal information as possible on the part of the page that still appears to the public, and if you use a photo, choose one that won't excite comment.
6. Do not add students to your "friends" list and do not post comments to their profiles.
7. If you have questions about school district policies, talk to your administrator.
8. If you have concerns about ethical issues arising out of social networking sites, contact your CTA UniServ Director. (Steve Balentine at the NOCUT Office; phone number – 714-256-9900)

Sincerely,

Mark Kercheville, CBC Chairperson, Grievance Consultant/BOTA