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Social networking: 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.

HERE'S A QUICK GUIDE TO HELP YOU STAY SAFE AND PROTECT YOUR JOB WHILE ENJOYING THE BENEFITS OF SOCIAL NETWORKING SITES.

Don't: Accept anyone who you do not know as a friend.

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.

Don't: Join groups that may be considered unprofessional or inappropriate, and leave any such group that you are already a member of.

Do: 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.

Don't post: Vulgar or obscene language, materials, photos or links that may be considered inappropriate or unprofessional.

Don't post: Any negative information about your students or school administrators. This includes information that can easily identify a student or administrator.

Do: Use common sense when you're using social media.

HERE'S 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, e.g., 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 that may not qualify for First Amendment protection includes:



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SOCIAL NETWORKING TIPS

Page 2

1. Speech about matters of personal concern, e.g., social activities, partying, personal gripes, etc.; or
2. Employee speech that 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.

