

## **Personal Communication Devices and Social Media - Staff \*\***

Staff possession or use of personal communication devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district- sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent.

### **A. Definition**

A "personal communication device" is a device, not issued by the district, which emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor of the device. These devices include, but are not limited to, walkie talkies, long- or short-range portable radios, portable scanning devices, cellular telephones, pagers, personal digital assistants (PDAs), laptop computers and similar devices with wireless capability. This also includes other digital audio and video devices such as, but not limited to, iPods, radios and TV.

### **B. Restrictions on Use**

1. At no time will a personal communication device be used in a manner that interferes with staff duty and responsibility for the supervision of students.
2. Personal cellular telephones/pagers and other digital audio and video devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. An exception shall be in situations where staff are using such devices to maintain contact with students or other staff in situations outside the classroom, such as on field trips.
3. Staff using cellular telephones, cameras, or other devices to take photographs or video of students while on district property or while a staff member is on duty in district-sponsored activities, shall not distribute any resulting photographs or video except in compliance with the Family Rights and Privacy Act (FERPA).
4. Laptop computers and PDAs brought to school by staff will be restricted to classroom or instructional-related activities only during the staff member's worktime (not including lunch hours and teacher prep periods). Staff members must at all times exercise control of any such equipment brought to school or school activities so that no student is able to access material on these devices except with the direct supervision of the staff member.
5. Staff members, while on duty and off duty, will utilize social network sites (e.g., Facebook, MySpace and Twitter), public websites and blogs, judiciously by not posting confidential information about students, staff or district business. Staff members, while on duty, will treat fellow employees, students and the public with respect while posting in order to prevent substantial disruption in school.

6. Communication, including texting, with students using personal communication devices will be appropriate, and professional. Communication with students using personal communication devices regarding non-school-related matters is prohibited during work hours and strongly discouraged at all other times, except where students are children or near relatives of the staff member or where the communication is copied to the student's parent or a record maintained.
7. If communicating with students electronically regarding school-related matters, staff should send electronic communications to a group of students rather than an individual student. If responding to individual students regarding grades or assignments, where the topic is not appropriate for group communication, staff must use district e-mail or maintain a record of the communication.
8. Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with assistant superintendent approval.

### **C. Consequences**

1. Staff are subject to disciplinary action up to and including dismissal for using a personal communication device in any manner that is illegal or violates the terms of this policy.
2. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies, and will be subject to disciplinary action, up to and including dismissal.
3. Staff actions on social network sites, public websites, blogs and other social media, while on or off duty, which substantially disrupts the school environment, are subject to disciplinary action up to and including dismissal.

### **D. District Liability for Equipment**

The district will not be liable for loss or damage to personal communication devices brought to district property and district-sponsored activities.

### **END OF POLICY**

#### **Legal Reference(s):**

[ORS 167.054](#) [ORS 167.057](#) [ORS 163.432](#) [ORS 163.433](#) [ORS 163.684](#)  
[ORS 163.686](#) [ORS 163.688](#) [ORS 163.689](#) [ORS 163.693](#) [ORS 163.687](#) [ORS](#)  
[163.700](#) [ORS 326.011](#) [ORS 326.051](#) [ORS 332.072](#) [ORS 332.107](#)

U.S. CONST. amend. XVIII, § 1466A U.S. CONST. amend. XVIII, § 1470 U.S. CONST. amend. XX, § 7906 U.S. CONST. amend. XX, § 6777 Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001). *Melzer v. Bd. Of Educ., City of New York*, 336 F.3d 185 (2d Cir. 2003).

*Ross v. Springfield Sch. Dist.*, No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357

(1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).