

A. BOARD MEMBER USE OF SCHOOL SYSTEM TECHNOLOGICAL RESOURCES

The board provides its members with access to certain school system technology devices and accounts, including laptops and email accounts, for use in conducting school system business. Board members have a responsibility to use such devices and accounts in a manner that is ethical, respectful, and supportive of the board's duty to provide students with the opportunity to receive a sound, basic education. Like all users of school system technological resources, board members are expected to abide by the generally accepted rules of network etiquette.

1. Responsible Use of School System Technological Resources

Whenever a board member uses school system computers or other technology devices or accounts or accesses the school network or the Internet using school system resources, the board member must comply with the rules for use listed in Section B of policy 3225/4312/7320, Technology Responsible Use. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

2. Privacy Expectations when Using School System Technological Resources

Board members should have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used on school system property or elsewhere, and even if the use is for personal purposes. Files or communications created, transmitted, or displayed using school system technological resources or stored on servers or on the storage mediums of individual devices will not necessarily be private. School system personnel may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel may monitor online activities when the Internet is accessed via a school system-owned device. By using the school system's network, Internet access, email system, devices, or other technological resources, board members consent to have that use monitored by authorized school system personnel as described in this section.

B. BOARD MEMBER USE OF PERSONAL TECHNOLOGICAL RESOURCES FOR SCHOOL

SYSTEM BUSINESS

As much as is practicable, board members should use school system technology devices and accounts for conducting school system business and storing school system electronically stored information (“ESI”). Though use of personal technology devices and accounts may be convenient for conducting school system business, such use is discouraged when school system resources are reasonably available.

1. Definition of Personal Technology Devices and Accounts

For purposes of this policy, “personal technology devices and accounts” means technology devices or accounts that are not under the control of the school system and which the school system does not have the ability to access without the board member’s assistance. Personal technology devices include, but are not limited to, computers, phones, tablets, and other technological devices that are owned or leased by a board member. Personal accounts include, but are not limited to, personal email accounts and online file storage services (e.g., file hosting services, cloud storage services, social media sites, and online file storage providers that host user files via the Internet). Board member use of personal social media sites is also subject to Section C of this policy.

2. School System ESI on Personal Technology Devices and Accounts

School system business-related ESI sent and/or received by a board member using a personal technology device or account may constitute a public record or student education record and, as a result, may require retention and disclosure by the school system. In the event of litigation, school system business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold. Board members are cautioned that using personal technology devices or accounts to conduct school system business or to store school system business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. Board members should avoid the use of personal technology when conducting school system business to prevent a conflict between board members’ interests in privacy in their personal technology devices and accounts and the school system’s legal obligation to preserve certain school system business-related ESI.

Board members are expected to immediately transfer any school system business-related ESI sent and/or received by the board member using a personal technology device or account to a school system account for proper retention and storage. Board members shall cooperate with school officials in accessing any school system business-related ESI stored on personal technology devices or accounts.

C. BOARD MEMBER USE OF PERSONAL SOCIAL MEDIA

The board recognizes that board members may engage in the use of personal social media

to communicate with friends, family, and/or the community. Board members are expected to exercise good judgment in their online interactions, remaining mindful of their ethical obligations as described in policy 2120, Code of Ethics for School Board Members.

1. Definition of Personal Social Media

For purposes of this policy, “personal social media” means any social media networks, tools, or activities that are not under the control of the school system. Social media refers to the various online technology tools that enable people to communicate easily over the Internet to share information and resources. It includes, but is not limited to: personal websites, blogs, wikis, social networking sites, online forums, virtual worlds, video-sharing websites, and any other Internet-based applications which allow the exchange of user-generated content. Examples of social media include Web 2.0 tools, Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, Google+, and social media components of learning management systems such as Canvas, Moodle, or Edmodo.

2. Guidelines for All Types of Personal Social Media Use

Content posted online may be viewed by anyone, including students, parents, employees, and community members. As public officials, board members should be aware that their online behavior serves as an example to employees and students even when they are not engaging directly in school system-related business. The following standards should guide board members’ online conduct.

- a. Board members should be professional in all Internet postings related to or referencing the school system, students or their parents, and other employees.
- b. Board members may not post confidential information about students, employees, or school system business.
- c. Board members should not post identifiable images of a student or student’s family on a personal social media site without permission from the student and the student’s parent or legal guardian.
- d. Board members may not use postings to libel or defame the board, individual board members, students, or school system employees.
- e. Board members should not use personal social media to harass, bully, or intimidate students, employees, or other board members.
- f. Board members may not use personal social media to engage in any other conduct that violates board policy or administrative procedures or state and federal laws.

3. Guidelines for Personal Social Media Use That Is School System-Related

The school system controls and maintains the school system's official website, as well as the school system's official Facebook and Twitter accounts. The school system website and social media accounts present information from the local school administrative unit and are not forums for expressing views of individual board members, employees, or members of the public.

Individual board members, acting in their capacity as public officials, may choose to establish personal social media accounts to facilitate their own communications with the community. The following standards are provided to guide board members' personal social media use for school system-related purposes.

- a. When presenting information on personal social media, board members should clearly indicate that the information posted reflects the views of the individual board member and is neither endorsed by the board nor necessarily reflective of the views of the board or of an official board policy.
- b. A personal social media platform that allows comments from the community may elicit complaints or inquiries from parents or interested citizens concerning school matters. In such cases, the board member should refer the complainant to the appropriate school system administrator in accordance with policy 2122, Role of Board Members in Handling Complaints.
- c. Board members should be aware that when they use a personal social media account in their capacity as a public official and allow community members to post comments publicly on the account, they may be creating a "public forum" for speech protected by the First Amendment. If a "public forum" is created, the board member must be careful not to engage in viewpoint discrimination by, for example, deleting a community member's comment because the board member does not like the view expressed in the comment or blocking only certain individuals from being able to post based on their views. Board members are encouraged to consult with an attorney to create viewpoint-neutral rules to govern their school system business-related personal social media accounts.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*; Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458; *Davidson v. Randall*, 912 F.3d 666 (4th Cir. 2019)

Cross References: Code of Ethics for School Board Members (policy 2120), Role of Board Members in Handling Complaints (policy 2122), Technology Responsible Use (policy 3225/4312/7320), Use of Personal Technology to Conduct School Business (policy 3228/7323), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351)

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