



# 4038 A

## Processes and Rules

### *Regulation 4038 A*

Original Adoption: 08/12/2014

Effective Date: 08/13/2014

Revision Dates:

Review Dates:

### **I. PURPOSE**

The District recognizes the value and increasing role of online social media both in employee's personal and work lives. The purpose of this regulation is to address the use of social media by employees for district, school or program interests; the use of social media for professional interests, and the use of social media for personal interests, especially where those personal interests may intersect with their employee status. Additionally this regulation promotes concepts that address the maintenance of professional ethics and boundaries when using social media outlets in their professional and personal lives.

### **II. GENERAL STATEMENT OF REGULATION**

**A.** The Office of Communications is designated as the Superintendent's designee to make decisions regarding:

1. Use of district related logos
2. Applications for official social network accounts
3. Communication of district messages.

**B.** *Use of District Brands.* The mere mention of the Minneapolis Public School District, its schools, departments, programs, mascots, teams or personnel shall not be prohibited. When the use of such items may lead a reasonable reader to assume that the post, blog, entry, photograph, video or other communication is the official site or statement of the school, district, department, program or team, or the authorized spokesperson for the district, school department, program or team, such use is prohibited. Use of any district entity logo is prohibited without the permission of the Office of Communications.

**C.** *Application Process for District-approved social media account.* The Office of Communications shall establish an application process for district-approved media accounts. The department may limit the number of applications approved in any time frame, but in so limiting the number shall do so observing the following standards. Each cohort of applications shall consider approval of applications to assure:

1. An equitable distribution of the active and approved accounts across the district;
2. An equitable distribution of the active and approved accounts between central office functions and school functions;
3. An equitable distribution of the active and approved accounts between school configurations.
4. The capacity of the applicant school, program or department to adequately meet account monitoring standards.

**D.** *Non-exempt Employee Actions*

1. Non-exempt employees are advised that all social media account actions or review occurring at the employee's volition outside of their regularly scheduled hours shall not



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be considered work for the purposes of payment of wages, accrual of vacation or sick leave, change in the number of hours assigned, accrual or effect on seniority, qualification for benefit participation or any other employee or compensation rights.

2. Non-exempt employees assigned by their supervisor to take any actions regarding social media accounts for which the employee is an administrator shall be considered work for the purposes of payment of wages, overtime, accrual of vacation or sick leave (if allowed under the appropriate collective bargaining agreement or contract) but for no other employee or compensation rights.
- E. Reporting Maltreatment. All district employees are required to appropriately report perceived or suspected maltreatment of district students or vulnerable adults on any social media site, following district policies for reporting maltreatment. This requirement extends to all employees whether or not they are an authorized administrator of a district approved social media site or not. This requirement extends to all social media sites viewed by the employee.

### III. STANDARDS FOR SOCIAL MEDIA USE

- A. Authorized account administrators of district approved accounts and other employee contributors to district approved social media sites shall:
1. Avoid inappropriate speech which does or may offend or embarrass students, other staff members, district officials or members of the public.
  2. Avoid defamatory statements regarding district supervisors, employees, students, participants, clients, partners, affiliates and competitors.
  3. Make no fraudulent, abusive, profane, harassing or obscene messages.
  4. Make no derogatory or inflammatory remarks considering another person's or group's race, religion, national origin, physical attributes, gender or gender identity, or sexual orientation.
  5. Act to remove third-party postings that are fraudulent, abusive, profane, harassing, discriminatory or obscene.
- B. Images and videos of students, staff and attendees at any public event, such as a regularly scheduled athletic contest or fine arts performance which are open to the general public without invitation, may be posted to a social media site. Names of individuals should not be included in the post, unless the individual portrayed is a member of the team competing or the performing group.
- C. Images and videos of staff members may not be posted without their consent.
- D. Images of non-public representations of district facilities or premises, including floor plans, may not be posted on any social media site.
- E. Curriculum under the claim of copyright of the district may not be posted on any public social media site without written permission of the Superintendent, or Superintendent's designee.



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- F. Employees are expected to maintain professional standards in online contacts with students and their families. Invitations to a personal social media site generally should not be extended to students or their families. Messages of a romantic, flirtatious or sexual nature between employees and students are specifically prohibited.
  - G. References to the district made by the employee in the employee's personal social media sites should include a disclaimer that the opinion or view expressed is personal and does not necessarily reflect the opinion or view of the district.
  - H. If employees are authorized to post to social media sites on behalf of the district, its programs, activities, schools or departments, the employee must disclose their employment relationship with the district.
  - I. Employees may not forge or otherwise manipulate identifiers in a post to a social media site in an attempt to impersonate or otherwise misrepresent the employee's identity or affiliation with any other person or entity.

#### IV. RESPONSIBILITY

- A. Employees are solely responsible for any legal liability arising from or relating to the content on the employee's personal social media use. Employees will be required to indemnify the district for any actions taken against the district based upon an employee's personal social media use.
- B. All employees are responsible for reporting breaches of this policy and its regulations to their supervisor, or, if the breach concerns their supervisor, to the Office of Communications. Supervisors shall confer with the Employee Relations department regarding appropriate disciplinary actions, if any.
- C. Failure to comply with district policies and regulations and rules may subject the employee to disciplinary and other consequences, up to and including termination of employment.

#### **Legal References:**

15 USC §6501 *et seq.* (Children's Online Privacy Protection Act)  
17 USC §101 *et seq.* (Copyrights)  
20 USC §6751 *et seq.* (Enhancing Education Through Technology Act of 2001)  
47 USC §254 (Children's Internet Protection Act of 2990 [CIPA])  
47 CFR §54.520 (FCC Rules Implementing CIPA)  
Minn. Stat. § 181.938 (Nonwork Activities; Prohibited Employer Conduct)  
Minn. Stat. §125B.15 (Internet Access for Students)  
Minn. Stat. §125B.25 (Telecommunications/ Internet Access Equity Act)

#### **Cross References:**

MPS Policy 1040 (Student and Staff Data Protection)  
MPS Policy 1010 (Publications and Broadcasts)



MPS Policy 1050 (Media Relations)  
MPS Policy 3000 (Conflicts of Interest and Fiduciary Duty)  
MPS Policy 3002 (Outside Employment, Copyright and Royalties)  
MPS Policy 4002 (Harassment and Violence Prohibition)  
MPS Policy 5200 (Behavior Standards)  
MPS Policy 5291 (Bullying and Hazing Prohibition)  
MPS Policy 5635 (Reporting Maltreatment of Minors and Vulnerable Adults)