

A. BOARD MEMBER USE OF SCHOOL SYSTEM TECHNOLOGICAL RESOURCES

The Transylvania County Board of Education (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

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46 As much as is practicable, board members should use school system technology devices
47 and accounts for *conducting* school system business and storing school system
48 electronically stored information (“ESI”). Though use of personal technology devices
49 and accounts may be convenient for conducting school system business, such use is
50 discouraged when school system resources are reasonably available.
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52 1. Definition of Personal Technology Devices and Accounts
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54 For purposes of this policy, “personal technology devices and accounts” means
55 technology devices or accounts that are not under the control of the school system
56 and which the school system does not have the ability to access without the board
57 member’s assistance. Personal technology devices include, but are not limited to,
58 computers, phones, tablets, and other technological devices that are owned or
59 leased by a board member. Personal accounts include, but are not limited to,
60 personal email accounts and online file storage services (e.g., file hosting
61 services, cloud storage services, social media sites, and online file storage
62 providers that host user files via the Internet). Board member use of personal
63 social media sites is also subject to Section C of this policy.
64

65 2. School System ESI on Personal Technology Devices and Accounts
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67 School system business-related ESI sent and/or received by a board member using
68 a personal technology device or account may constitute a public record or student
69 education record and, as a result, may require retention and disclosure by the
70 school system. In the event of litigation, school system business-related ESI
71 located on a personal technology device or account may be subject to discovery
72 and a litigation hold. Board members are cautioned that using personal
73 technology devices or accounts to conduct school system business or to store
74 school system business-related ESI will significantly reduce their expectation of
75 privacy in those devices or accounts. Board members should avoid the use of
76 personal technology when conducting school system business to prevent a conflict
77 between board members’ interests in privacy in their personal technology devices
78 and accounts and the school system’s legal obligation to preserve certain school
79 system business-related ESI.
80

81 Board members are expected to immediately transfer any school system business-
82 related ESI sent and/or received by the board member using a personal technology
83 device or account to a school system account for proper retention and storage.
84 Board members shall cooperate with school officials in accessing any school
85 system business-related ESI stored on personal technology devices or accounts.
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87 **C. BOARD MEMBER USE OF PERSONAL SOCIAL MEDIA**
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89 The board recognizes that board members may engage in the use of personal social media
90 to communicate with friends, family, and/or the community. Board members are
91 expected to exercise good judgment in their online interactions, remaining mindful of
92 their ethical obligations as described in policy 2120, Code of Ethics for School Board
93 Members.

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95 1. Definition of Personal Social Media

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

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108 2. Guidelines for All Types of Personal Social Media Use

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

- 115
116 a. Board members should be professional in all Internet postings related to or
117 referencing the school system, students or their parents, and other
118 employees.
119
120 b. Board members may not post confidential information about students,
121 employees, or school system business.
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123 c. Board members should not post identifiable images of a student or
124 student’s family on a personal social media site without permission from
125 the student and the student’s parent or legal guardian.
126
127 d. Board members may not use postings to libel or defame the board,
128 individual board members, students, or school system employees.
129
130 e. Board members should not use personal social media to harass, bully, or
131 intimidate students, employees, or other board members.
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133 f. Board members may not use personal social media to engage in any other
134 conduct that violates board policy or administrative procedures or state
135 and federal laws.
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137 3. Guidelines for Personal Social Media Use That Is School System-Related
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139 The school system controls and maintains the school system’s official website, as
140 well as the school system’s official Facebook and Twitter accounts. The school
141 system website and social media accounts present information from the local
142 school administrative unit and are not forums for expressing views of individual
143 board members, employees, or members of the public.
144

145 Individual board members, acting in their capacity as public officials, may choose
146 to establish personal social media accounts to facilitate their own communications
147 with the community. The following standards are provided to guide board
148 members’ personal social media use for school system-related purposes.
149

150 a. When presenting information on personal social media, board members
151 should clearly indicate that the information posted reflects the views of the
152 individual board member and is neither endorsed by the board nor
153 necessarily reflective of the views of the board or of an official board
154 policy.
155

156 b. A personal social media platform that allows comments from the
157 community may elicit complaints or inquiries from parents or interested
158 citizens concerning school matters. In such cases, the board member
159 should refer the complainant to the appropriate school system
160 administrator in accordance with policy 2122, Role of Board Members in
161 Handling Complaints.
162

163 c. Board members should be aware that when they use a personal social
164 media account in their capacity as a public official and allow community
165 members to post comments publicly on the account, they may be creating
166 a “public forum” for speech protected by the First Amendment. If a
167 “public forum” is created, the board member must be careful not to engage
168 in viewpoint discrimination by, for example, deleting a community
169 member’s comment because the board member does not like the view
170 expressed in the comment or blocking only certain individuals from being
171 able to post based on their views. Board members are encouraged to
172 consult with an attorney to create viewpoint-neutral rules to govern their
173 school system business-related personal social media accounts.
174

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

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179 Cross References: Code of Ethics for School Board Members (policy 2120), Role of Board
180 Members in Handling Complaints (policy 2122), Technology Responsible Use (policy
181 3225/4312/7320), ~~Use of Personal Technology to Conduct School Business (policy 3228/7323)~~,
182 Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy
183 5070/7350), Electronically Stored Information Retention (policy 5071/7351)

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