

Times They Are a Changin'... or Are They?



Staying Out of Hot Water in the Digital Age

Lori M. Church • KASB Attorney
USD 377 – Atchison County Inservice
August 13, 2015

Ask Yourself This Question

Has Your Job Changed
Because of Technology?

- If so, how?
 - Has it made it easier or harder?
 - Does technology create its own unique set of issues and problems?



“Technology...is a[n] [odd] thing. It brings you great gifts with one hand, and it stabs you in the back with the other.”

-- C.P. (Charles Percy) Snow, "New York Times," March 15, 1971



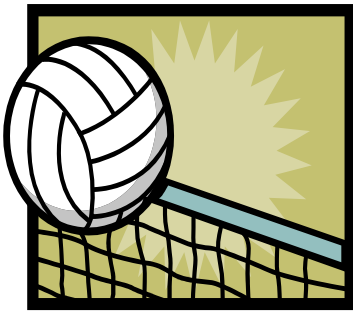
Common Technology Topics

- Accessing Pornography
- Sending inappropriate e-mail
- Sexual or Racial Harassment
- Obscene content
- Attacking board, administration, or other employees
- Digital evidence of inappropriate relationships with students
- Personal use while on the clock
- Email, social networking, or blogging
- Using district system to solicit personal business
- Political activity
- Unauthorized disclosure of student information
- Inappropriate texts and sexting
- Employees' social networking pages or blogs

Online Speech

- The law offers no special protection for online speech.
- Public Employee Speech
 - Is the employee speaking on a matter of public concern?
 - If no, speech is not protected.
 - If yes, go on to next question.
 - Is the employee speaking as a citizen or pursuant to official duties?
 - If pursuant to official duties, speech is not protected.
 - If as a citizen, go on to next question.
 - Balance of the employee's and the government's interests
 - Does it materially interfere with the operation of the school?

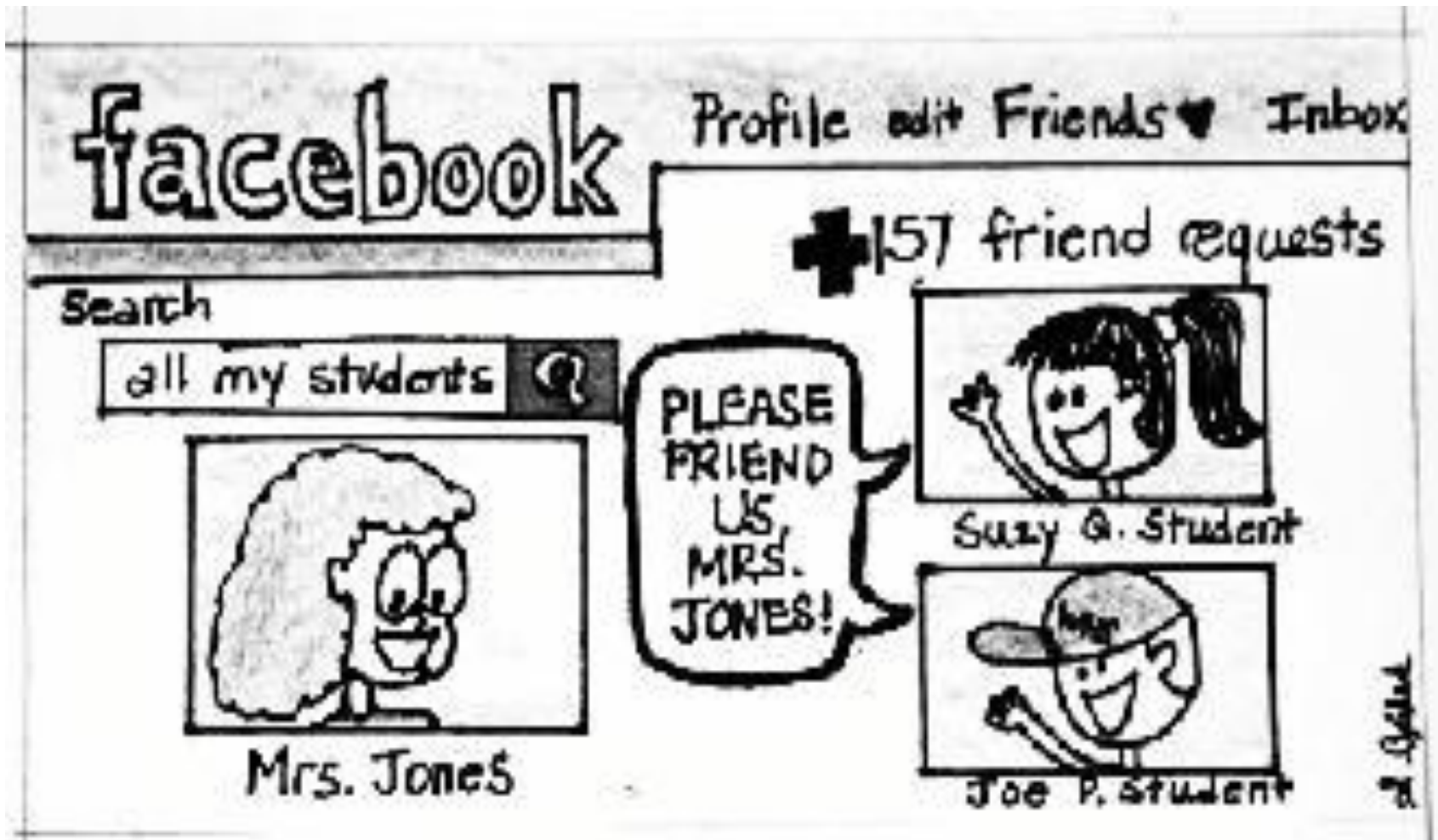


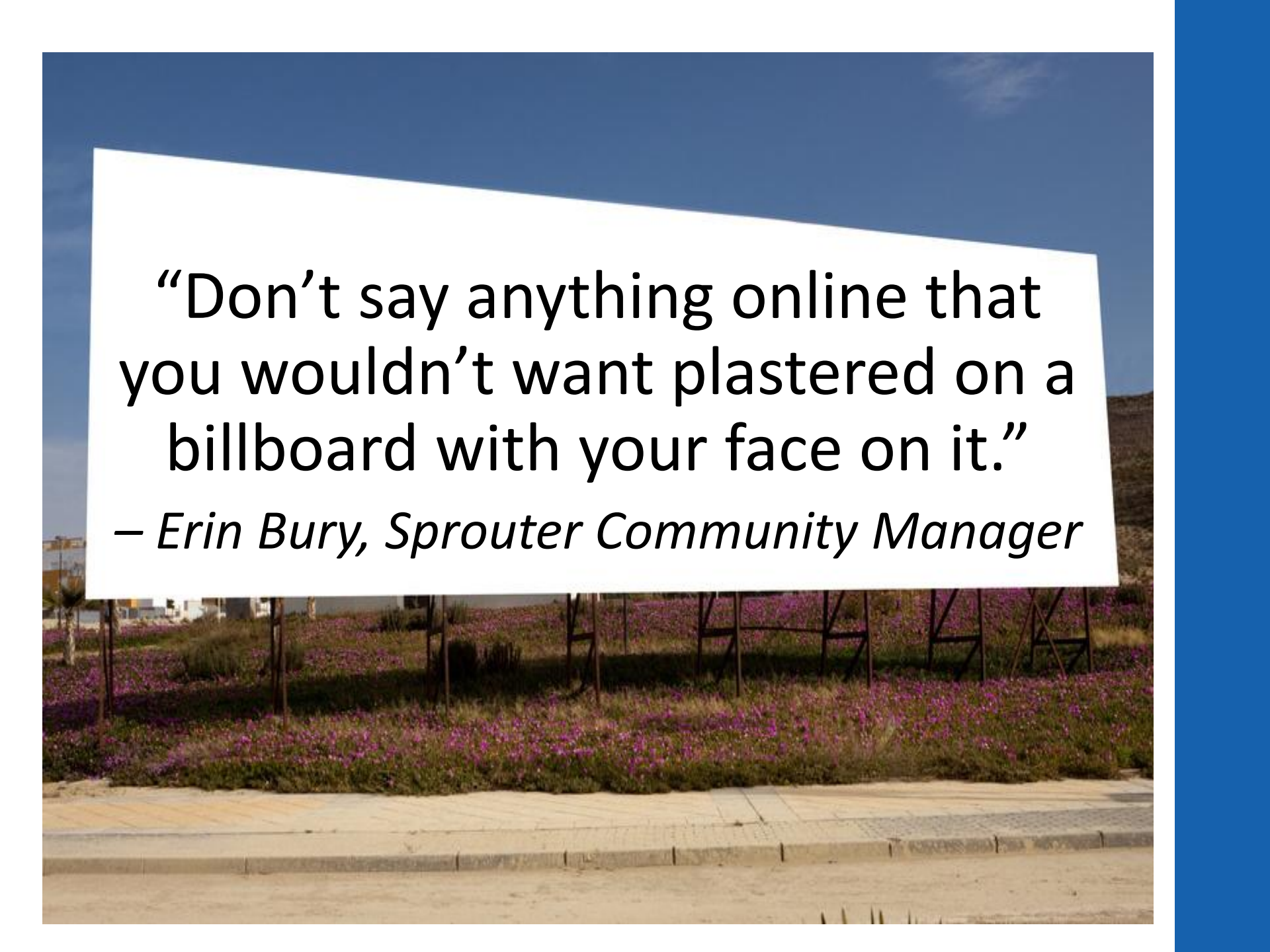


Scenario

Carl Coach has been coaching volleyball for 20 years. During this season, he has noticed his players being lethargic during practice, their stomachs growling and many of them complaining about being hungry. After speaking to a couple of his athletes, he has found out the new regulations regarding school lunches have left them tired and hungry by the time they get to practice. After doing some research, Carl has discovered that his players are not consuming enough calories throughout the day to compete at a high level. Feeling the need to take a stand, Carl posts a number of facts regarding the number of a calories active teenagers need to consume and criticisms of the new regulations and the administration of the school for enacting them. He even goes so far as to call them reckless and implies they are putting students' health at risk. A number of Carl's players' parents repost Carl's statements. Before long, it's all over town and Carl finds himself in the superintendent's office. Are Carl's statements protected?

To friend or not to friend...



A photograph of a large white billboard with a quote, set against a background of purple flowers and a blue sky. The billboard is tilted slightly to the right. The quote is in a large, black, sans-serif font. Below the quote is the name and title of the person who said it, in a smaller, italicized, black, sans-serif font. The background of the photo shows a field of purple flowers in the foreground, a concrete sidewalk, and a clear blue sky in the background.

“Don’t say anything online that
you wouldn’t want plastered on a
billboard with your face on it.”

– *Erin Bury, Sprouter Community Manager*

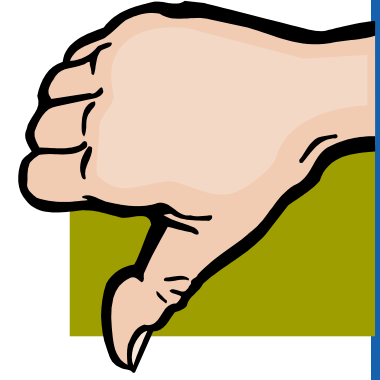
Good Rule of Thumb

When in doubt –

DON'T



You Be the Judge



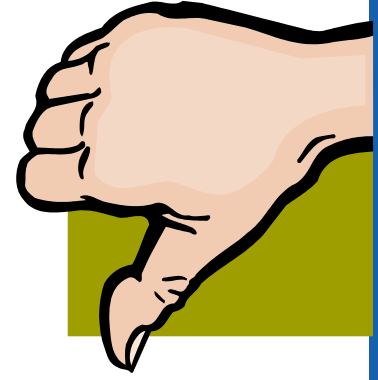
- The Facts

- Ecard was “pinned” to the teacher’s Pinterest page.
- Parent came across the pin while doing a quick search online and asked the district to take disciplinary action.





You Be the Judge



- The Facts
 - The picture was taken while she was on vacation
 - Had no students as “friends” on the Facebook page where the photo was found
 - Profile was private
 - Policy regarding “inappropriate” teacher content on the internet





You Be the Judge



- The Facts
 - The picture was taken while she was working a second job.
 - It was posted on the website of a charter fishing boat.





You Be the Judge

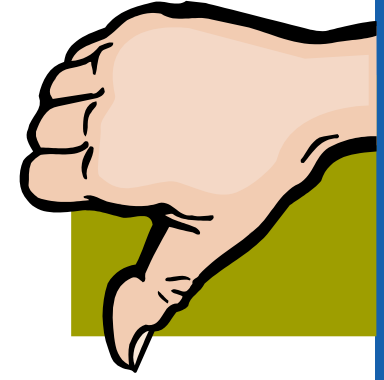


- The Facts
 - Showed three students before and after photos of her breast augmentation...at school.
 - Two of the students were 18.





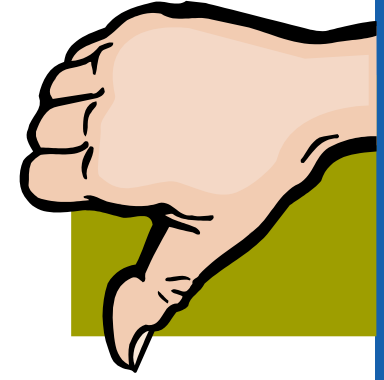
You Be the Judge



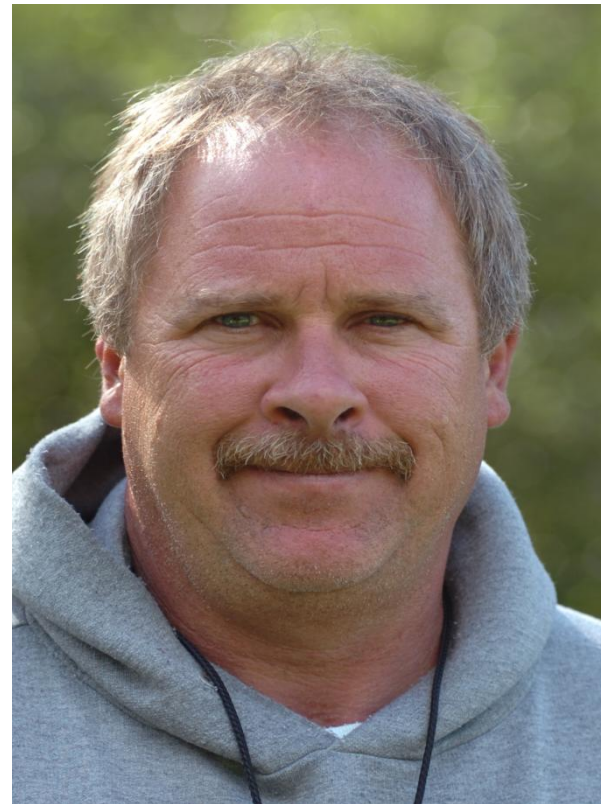
- The Facts
 - Coach posted picture of her and her fiancé on summer vacation.
 - Fiancé was also a coach for the same school district.
 - Picture was posted on Facebook for about two hours.



You Be the Judge

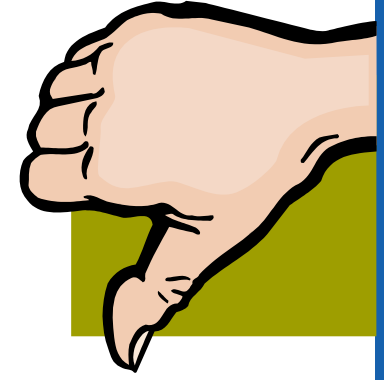


- The Facts
 - Teacher and coach posted naked picture of himself on his Facebook page.
 - Meant to be sent privately.
 - Picture was up for 10 minutes.





You Be the Judge



- The Facts
 - Teacher appeared in a picture someone else posted on Facebook.
 - Picture included a male stripper at a bridal shower.

facebook



Clark Kent

News Feed

- Messages
- Events
- Friends
- Game Requests
- Application Requests
- More
- Chat with Friends

News Feed



Martha Kent

Tagged: Clark's baby pics!



Message: Clark honey, when you get back from Saturn, can you pick me up some milk?

5,789,524 people like this.



Batman Ha ha! Busted!



QUESTIONS/COMMENTS?

- Lori Church –
lchurch@kasb.org
- Toll Free –
1-800-432-2471

