

## **Personal Electronic Devices and Social Media - Staff**

### **Definitions:**

A 'personal electronic device' (PED) is a device not issued by the ESD that is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

Staff possession or use of personal electronic devices (PED) on ESD property, in ESD facilities during the work day and while the staff is on duty in attendance at ESD-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional rules as may be established by the superintendent or designee. At no time will a personal communication device be used in a manner that interferes with staff duty and responsibility or in a manner that violates state or federal law.

Personal electronic devices shall be silenced while on duty or at any other time where such use of the device would cause a disruption or interfere with work assignment. Personal electronic devices brought to work will be restricted to work-related activities only, unless the employee is on break.

The ESD will not be liable for loss or damage to PED's brought to ESD property and ESD-sponsored activities.

Staff members while on or off duty, will utilize social media websites, public websites, and blogs judiciously by not posting confidential information about students, staff or ESD business<sup>1</sup>. Designated representatives of the agency to post on LBL's social media accounts must abide by the agency social media guidelines. A completed and signed social media access form will be kept on file by Human Resources. Staff members while on or off duty will treat fellow employees, students and the public with respect while posting on social media websites, etc. in order to prevent substantial disruption at the workplace.

Communication with students, employees and the public using personal electronic devices will be appropriate, professional and related to work assignments or activities. All communications by email with students by employees and the public must be through ESD e-mail, not personal email. Texting students requires prior authorization from supervisor.

Exceptions to the prohibitions set forth in this policy may be made for health, safety, emergency or other reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy.

<sup>1</sup>Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

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.

The Superintendent shall ensure that this policy is available to all employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 167.057](#)      [ORS 163.432](#) [ORS 163.433](#) [ORS 163.684](#)  
[ORS 163.686](#)      [ORS 163.700](#)  
[ORS 163.687](#)      [ORS 326.011](#)  
[ORS 163.688](#)      [ORS 326.051](#)  
[ORS 163.689](#)      [ORS 332.072](#)  
[ORS 163.693](#)      [ORS 334.125](#)  
[ORS 336.840](#)  
[OAR 584-020-0000](#) to 0035

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 (1083), 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).