

## **0169 BOARD MEMBER USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKS**

Electronic communication among Board members and the administration is an efficient and convenient way to exchange information but should not be used to deliberate issues that are properly discussed only in a public meeting.

“Electronic communication” includes, but is not limited to, any kind of technology that allows for the instant transmission of text, video or voice.

“Public business” means and includes all matters that relate in any way, directly or indirectly, to the performance of the Board’s functions or the conduct of its business.

A “meeting” is any gathering attended by, or open to, all members of the Board, held with the intent to act upon the public business of the Board. Board committee meetings are attended by less than a quorum and are not subject to the Open Public Meeting Act.

The Board of Education is subject to the provisions of the New Jersey Open Public Meeting Act, N.J.A.C. 10:4-6 et seq., and its members are required to comply with the provisions of this Act. It is the right of the public to be present at meetings of public bodies and to witness in full all phases of the deliberations, policy formulation, and decision-making.

The Board is also subject to the Open Public Records Act, N.J.S.A. 47:A1A-1 et seq. The Open Public Records Act requires School Boards to make certain governmental records available for public access.

In order to ensure that the Board and/or individual Board members comply with the requirements of the Open Public Meetings Act and the Open Public Records Act, the following guidance is provided concerning the use of electronic communication regarding public business:

1. Electronic communication regarding the Board’s public business, written by Board members to other Board members, shall not replace deliberations that would prevent the public from witnessing in full detail all phases of the Board’s discussion. Matters which are clearly permissible to communicate electronically include:
  - scheduling meetings or appointments
  - announcing information which is about to be disseminated district-wide
  - confirming attendance at a Board meeting
  - forwarding information or a document from the public

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- distributing meeting minutes and agendas
  - telephone, text, or e-mail communication between two board members
  - committee matters among committee members.
2. Interactive or sequential electronic communications that are deliberative among a quorum of the Board is a violation of the Open Public Meetings Act unless specifically excluded by the law. Interactive electronic communication by less than a quorum of the Board may result inadvertently in violating the Open Public meetings Act.
  3. Under the Open Public Records Act, electronic communications received or sent regarding Board business are public records, which may be inspected by any member of the public upon request, unless otherwise made confidential by law.
  4. Under the Open Public Records Act, Board members shall avoid reference to confidential information about employees, students or other confidential issues in electronic communications because of the potential for improper or inappropriate disclosure and/or breach of confidentiality.

For the purposes of this Policy, “use of a social network” shall include, but not be limited to: posting to a social network, reposting another person’s post to a social network, messaging, or any other publication of material on a social network.

Nothing in this Policy prevents a Board of Education member from using a social network. However, a Board member must avoid conduct on a social network that would violate the School Ethics Act – N.J.S.A. 18A:12-21 et seq., which includes the Code of Ethics for Board Members. Board members should be advised communications, publications, photographs, and any other information posted by the Board member or reposted by the Board member on a social network could violate the School Ethics Act and be cause for sanctions in accordance with the law.

While this Policy respects the right of Board members to use social networks, Board members shall recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. A Board member’s use of social networks shall not damage the reputation of the school district, employees, students, or their families. Board members who use social networks shall ensure their conduct is appropriate for a Board of Education member. Board members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding what is private in the digital world often has the possibility of becoming public, even without their knowledge or consent.

Board members should carefully review the privacy settings on social networks they use and exercise care and good judgment when posting content and information. When using social networks, Board members are advised to:

1. Not post anything that would violate any of the district’s policies for Board members;

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2. Uphold the district's value of respect for any individual(s) and avoid making defamatory statements about the Board of Education, the school district, employees, students, or their families;
3. Not disclose any confidential information about the school district or confidential information obtained as a result of being a Board member, about any individual(s) or organization, including students and/or their families;
4. Not use or refer to their Board of Education title or position when soliciting for a business organization that he or she or any immediate family member has an interest in, as well as posting or referencing any confidential information regarding the Board of Education or the school district obtained through their Board membership, unless authorized by law;
5. Refrain from having communications through social networks with other Board members regarding any Board of Education business to avoid any potential violation of the New Jersey Open Public Meetings Act;
6. Not respond to any postings regarding Board of Education or school district business or respond to any question or inquiry posted to the Board member or posted on any social network regarding Board of Education or school district business and shall refer any such questions or inquiries to the Superintendent of Schools to address, as appropriate; or
7. Not post any information on a social network determined by the New Jersey School Ethics Commission to be a violation of the New Jersey School Ethics Act.

In the event that a Board member fails to comply with the guidance of this Policy, the matter shall be referred to the Board President, who will meet and discuss the matter and this Policy with the Board member. The Board President may request the Board Attorney participate in the meeting.

N.J.S.A. 10:6 et seq.

N.J.S.A. 47:1A-1 et seq.

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