## Sec. 1. ELECTRONIC AND SOCIAL MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as land lines, cell phones, and web-based applications.

## Sec. 2. ELECTRONIC COMMUNICATIONS WITH STUDENTS

### a) *Introduction*

In this policy, "electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through an Internet website, including a social media website or a social networking website.

### b) *Electronic Communications with Students*

Midland Academy Charter employees may engage in electronic communications with students who are currently enrolled in Midland Academy Charter for academic purposes only. All other employees are prohibited from communicating electronically with a student who is enrolled in Midland Academy Charter unless express authorization is provided by the Superintendent or designee. An employee is not subject to these provisions to the extent he or she has a social or family relationship with a student.

#### i. *Inappropriate Communications*

Midland Academy Charter employees are prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a Midland Academy Charter student; adversely affects a student's learning, mental health, or safety; includes threats of violence against a student; reveals confidential information about a student; or constitutes an inappropriate communication with a student.

Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- The nature, purpose, timing, and amount of the communication;
- The subject matter of the communication;
- Whether the communication was made openly or the educator attempted to conceal the communication;



© 2020 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.

- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship ;
- Whether the communication was sexually explicit; and
- Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

ii. *No Expectation of Privacy*

Midland Academy Charter have no expectation of privacy in electronic communications with students. Employees shall comply with Midland Academy Charter's requirements for record retention and destruction to the extent those requirements apply to electronic communications with students.

**c) *Incident Notification***

A Midland Academy Charter employee shall report to the Principal any incident in which a student engages in improper communications with the employee. Such reports should include a summary of the student's communication, as well as the time, date, and method of communication.

**d) *Disclosing Personal Telephone Number or E-mail Address***

A Midland Academy Charter employee may elect not to disclose to students the employee's personal telephone number or e-mail address.

**Sec. 3. PERSONAL USE**

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or Midland Academy Charter policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.



© 2020 Schulman, Lopez, Hoffer & Adelstein, LLP
All rights reserved.