

SOCIAL MEDIA REFERENCE GUIDE

Board Member FAQs for Social Media



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ACKNOWLEDGEMENT

The Vermont School Boards Association would like to thank the New York State School Boards Association (NYSSBA) for sharing its Social Media Reference Guide, which has been modified to reflect Vermont statute and a recent US Supreme Court decision (2024). The VSBA is pleased to offer this Social Media Reference Guide to its members.

INTRODUCTION

The use of social media sites, such as Facebook, Twitter and Instagram, is widespread. A 2018 Pew Research Center study indicates that nearly 70% of U.S. adults use social media regularly.¹ As a result, information spreads and is consumed instantly. The effective use of these communication tools is critical for school board members.

Social media can assist board members serving as district ambassadors. Multiple platforms can be used to share stories that highlight district/employee/student accomplishments, announce upcoming district events, send notifications of volunteer or donation opportunities, and identify district initiatives and progress on budgets, bond votes, construction, etc.² Additionally, social media provides an opportunity for board members to connect with and engage in meaningful dialog with community members. It can also be an important tool as board members stay current with state and federal initiatives and regulations.

When used incorrectly, social media can negatively impact reputations, personal lives and careers. Board members must be aware of the potential consequences. Within this guide, you'll find answers to frequently asked questions related to board member social media usage.

¹ Smith, A. and Monica Anderson. "Social Media Use in 2018." Pew Research Center. March 1, 2018.
<http://www.pewinternet.org/2018/03/01/social-media-use-in-2018/>.

² BoardSource. "Social Media & Governance: Using it to Advance Your Mission." June 9, 2016.
<http://www.pewinternet.org/2018/03/01/social-media-use-in-2018/>.

Board Member FAQs for Social Media

1. What should I do if someone posts a complaint on my social page or sends me a private message?

In all conversations, including those on social media, remember you do not and cannot speak on behalf of the entire board. An individual board member has no decision-making authority. When the complaint is received, advise the concerned individual to contact an appropriate administrator. This maintains the chain of command.

If the criticism is not about a board decision, then you may share your opinion on the matter. However, clearly indicate the viewpoint does not reflect the consensus of the board. If the complaint refers to board action, your comments should reflect the decision of the board.

Complaints from an employee or student follow the same process. You are not a problem solver, but you can connect the complainant to the appropriate administrator who can resolve an issue.

Your school district's communications staff can also be a good resource for these kinds of issues.

2. What if I read disparaging/untrue remarks about the district? Can I respond?

Generally, yes. You may respond as long as you indicate that you are not speaking on behalf of the board. Before posting, however, consider the consequences. Will you inadvertently spark additional negative comments? Will you get dragged into a situation that will make you uncomfortable? Think about whether the audience is a small circle of like-minded individuals who are not likely interested in the school's response to the issue. In these situations, a reply may fuel further negative comments.

Occasionally, a remark will refer to a topic the board has already settled. Refraining from responding avoids resurrecting an issue whose time has passed. It is usually more beneficial to notify the board chair, superintendent and/or district communications staff. These individuals are better equipped to post an official district response if one is warranted.³

3. Do I have First Amendment rights on social media?

Yes. However, "freedom of speech does not mean freedom from consequences." School board members have been subjected to negative press, public outcry and even requests to step down from their positions because of posts to a personal social media account. Even when it is clearly stated that your posts are not a reflection of the official position of the board, you are a public figure, a trustee of the school district. Online interactions can embolden a person to act differently than in an in-person interaction. Your digital behaviors also need to positively reflect on the district. Limit your posts to words and images you would want shared in the newspaper or at a public board meeting, posts that demonstrate a high moral character and personal ethics.⁴

In 2024, the United States Supreme Court issued a decision in *Lindke v. Freed*, a case in which a city manager (*Freed*) blocked a constituent (*Lindke*) from his Facebook page and deleted some of the citizen's comments on his posts. This unanimous decision offers important guideposts - and warnings - for government officials using social media. The court held that a public official's social media activity is considered public only if the official (1) possessed actual authority to speak on the government's behalf, and (2) purported to exercise that authority when posting on social media.

For public officials, *Lindke v. Freed* demonstrates the importance of being clear which hat you are wearing whenever you use social media. Considerations:

- A. School boards should consider adopting a social media policy that defines and governs official social media accounts, including rules for who is the administrator of such accounts.
- B. School board members who maintain private social media accounts that they want to use to exercise their own First Amendment rights should consider labeling such accounts as private accounts.
- C. School board members should refrain from using private social media accounts to make official announcements or to disseminate information not available from other sources.

³ TASB. "Social Media Guidelines for School Board Members." Texas Association of School Boards. November, 2018.

https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/social_media_guidelines_bd_mem.aspx

⁴ Vail, Kathleen. "School Boards and the First Amendment." National School Boards Association. April 6, 2016.

4. Can I request community feedback regarding an issue that will require board action?

Public comment is critical to a board's work. Rather than solicit feedback on your social pages, ask followers to contact the district through email or phone calls. This allows the comments to be forwarded to all board members. If you do solicit input from the community via social media, you must take steps to ensure that any decision made is not based on supposition, opinion or public favor. You cannot make promises or statements of how you will vote on matters that come before the board. Decisions should be based on information given for deliberation. It is considered unethical to surrender judgment to any individual or group at the expense of the district as a whole.⁵

5. Can I post pictures of students engaged in school activities?

What better way to show support of your district and students than to post pictures of positive activities? However, district and state privacy laws have an impact on which photos can be shared. In general, schools must obtain written permission from parents or guardians prior to posting photos or other identifying information of their child(ren). Some parents may not feel that a board member's personal social media account is an appropriate place to display their child's photo or information. A better idea is to share information and photos already published by the district and released to the public.⁶ Check with your district administration before posting if you are unsure.

6. Can I comment on social media on board decisions/board meetings?

Unless your board has a policy which states otherwise, nothing prohibits a board member from publicly describing the discussion or action that took place during the open portions of a board meeting. Keep in mind you must respect the majority decision as the decision of the board and never share information gathered during a closed meeting/ executive session.

Avoid making comments that suggest an opinion has already been formed on pending matters. When a grievance, contract appeal or other dispute is presented to a school board, the dispute is presented with the understanding that the school board will sit as a neutral tribunal to hear and resolve the matter. Due process calls for the board to serve as an impartial decision maker.

Social media posts by a board member expressing an opinion on pending matters may be considered evidence of bias or prejudice on the issue.⁷

7. Should the board address the use of social media by board members in policy?

Yes. School boards should consider adopting a media relations policy (with legal counsel's review) that also addresses social media usage by board members. The policy should address the district's aspirations for what constitutes appropriate etiquette on the part of board members. In addition, the policy should set forth possible consequences that board members might face if they use social media in a manner that violates their oath of office or other provisions of law. Boards of education, by nature, often deal with highly confidential information that needs to be protected. Furthermore, due to the high profile of their position, board members' actions on social media are often given extra attention, especially by members of the news media. Without a plan, a board is forced to "figure it out on the go," which can create uncertainty and inconsistency.⁸

8. How should I handle harassment or threats on social media?

Do not respond or reply to harassing posts. Consult your superintendent and board chair to assess the options, including contacting the school district's attorney. There is a distinction between attacks on an individual and attacks on an institution. A school district is a governmental entity and, therefore, cannot be slandered. A defamation claim is possible when a false statement is made about a specific individual and

⁵ TASB. "Social Media Guidelines for School Board Members." *Texas Association of School Boards*. November, 2018.

https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/social_media_guidelines_bd_mem.aspx

⁶ Smith, Jackie. "Social Media Etiquette for Board Members." *Connecticut Association of School Boards*. October, 2010.

http://www.cabe.org/uploaded/Media_Tips/Social_media_etiquette.pdf

⁷ Farmer, Randall. "School Boards in the Digital Age: Do's and Don'ts for School Leaders' Use of Electronic Media." *National School Boards Association*, July, 2015. <https://www.nsba.org/newsroom/american-school-board-journal/online-only-archive/school-boards-digital-age>

⁸ Ainsley, Grant. "Social Media Sneaks Into the Boardroom." <https://www.grantainsley.com/Social-media-and-corporate-director?mid=0>

there is resulting damage or harm. The legal standard for assessing such claims against public officials is much higher than that applied to ordinary citizens. School board members and superintendents are public officials.⁹

Notify law enforcement and the superintendent when a threat indicates an imminent danger to students, staff and/ or facilities. It is also a good idea to capture screenshots of the threat, as evidence may be required for law enforcement and school district officials¹⁰

9. How does the Open Meeting Law apply to social media?

The Open Meetings Law¹¹ applies to all meetings of a public body (including school boards). It defines meeting as” the gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action”¹² This applies to multiple board members communicating with each other through social media.

This can be as innocuous as a post from a single board member expressing a view regarding an upcoming decision which is then “liked” by a majority of other members of the board. While you may well be connected through social media to other members of your board, be very cautious in your interactions with other board members¹³

10. What other social media guidelines should school board members be aware of?

- Consider the permanence of posting. Nothing truly disappears; postings can be cached or captured by screenshot and shared by third parties.
- Stay professional. Never post in anger. As a public figure, anything you post could potentially end up on the front page of tomorrow’s paper.
- Don’t allow others to be abused within your posts. School-related information will likely spark debate between community members on both sides of an issue. Discussion can be useful and productive, but take steps to ensure that individuals are not being abused within your posts. Delete inappropriate comments from the conversation thread.
- If using district equipment, make sure you are following the district’s acceptable use policy for technology.
- Remember, you are a trustee of your district. What you share, like and/or post will be linked to the values of your district. Additionally, spelling and grammatical mistakes, word choice and tone will be subjected to scrutiny and judgment. It is important to proofread before hitting ‘send

CONCLUSION

Social media can be a powerful way to tell a school district’s story. It’s also a tool for connecting with community members and staying current with regional, state and federal educational happenings. However, as a board member you must be mindful of what you are posting and that the nature of your posts are the shared beliefs and vision of the board. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your ability or the ability of your fellow board members to conduct the business of the board may result in unintended and unwanted consequences.

⁹ Randall, Eric. “Handling Social Media Crises.” National School Boards Association. April 11, 2016.
<https://www.nsba.org/newsroom/handling-social-media-crises-0>

¹⁰ Ibid.

¹¹ 1 V.S.A. §§ 310-314.

¹² 1 V.S.A. § 310(3)(A).

¹³ MASC. “Social Media for School Committee Members.” Massachusetts Association of School Committees. July, 2018

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