



Delaware State University

University Area(s) Responsible: Office of Human Resources

Policy Number & Name: 4-16: Social Media Policy

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I. Purpose

This policy provides Delaware State University (“DSU”) guidelines and principles for communicating online using existing and future social media technologies. DSU acknowledges the positive opportunities social media and networking can bring to the University. DSU also recognizes the potential liability and risks that can come with the use of such technology. Social media is about sharing and collaborating; the State of Delaware legislature has deemed social media the new “Public Square.” However, statements published to social media by students and or employees may negatively reflect on DSU. This policy does not prevent collaboration, sharing, or the constitutional right of freedom of speech nor does it restrict employee rights to engaged in labor related protected activities such as expressing opinions regarding workplace satisfaction or dissatisfaction, wages, hours or work conditions. Rather this policy is meant to reduce the University’s liability, while maintaining the integrity of our guiding principles, mission, vision and goals with regard to the personal and professional use of social media.

II. Scope and Applicability

This policy applies to all student and University employees with regard to the professional and personal use of multi-media, social networking websites, podcasts, blogs, wikis and all current and future forms of social media.

III. Definitions

1. Applicant- a prospective employee applying for employment or a prospective student who applying for admission to the University.
2. Confidential- information whose unauthorized disclosure could be prejudicial to the interest of the University, students or University employees. This includes records cover by FERPA, HIPPA and other legally protected information. This **does not include** information covered by §7 of the NLRB code such as CBA’s, work stoppages, wages, and work conditions.

3. Copyright – The exclusive legal rights to reproduce, publish, sell or distribute the matter and form of something.
4. Eavesdropping – a violation of privacy that involves the observing, photographing, recording, amplifying or broadcasting sounds or events without the consent of the person or persons being observed, photographed, recorded, sound broadcasted or event broadcasted.
5. Electronic communication device - a cellular telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device.
6. Family Education Rights and Privacy Act (FERPA) – a federal law that protects the privacy of student education records. This law applies to all universities that receive funds under an applicable program of the U.S. Department of Education. (20 U.S.C §1232g; 34 CFR Part 99)
7. Fighting Words/True Threat - where the speaker means to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
8. Health Information Portability and Accountability Act (HIPPA) - a federal law that protects the privacy of medical records.
9. Proprietary Information – information owned or held in exclusive right by DSU such as trade secrets or research developments.
10. Transmission of Sexually Explicit Information – the act of sending sexually explicit messages or images of persons, without their permission, including, but not limited to minors, between electronic devices, including, but not limited to computers, mobile phones and tablets.
11. Materially Disruptive Speech- speech that causes actual and substantial disruption of the work of Delaware State University.
12. §7 of the NLRB – employees shall have the right to self-organize, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.
13. Social media - the means of interactions among people in which they create, share, exchange and comment about contents among themselves in virtual communities and networks.

14. Social networking site - an internet-based, personalized, privacy-protected website or application whether free or commercial that allows users to; construct a private or semi-private profile on the site within a bounded system, create a list of other system users who are granted reciprocal access to the individual's profile site, send and receive email, and share personal content, communications, and contacts.
15. Student - a person which at all relevant time is admitted into Delaware State University whether the student is, or is not, in good academic standing.

IV. Policy

A. General Information

1. DSU considers publishing to social media sites public speech or expression.
2. "Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." (393 U.S. 503, 1969). However, employees and students should ensure that any publicly published personal views are not wrongly attributed to DSU. To prevent misallocation of responsibility, employees and students must indicate appropriate disclaimers as to DSU's involvement (unless the transmission was specifically authorized by the Office of Marketing & Communications. For example, a statement like: "The views and opinions expressed herein do not reflect the views or opinions of Delaware State University" is recommended to be added to all personally maintained websites and social media accounts.
3. DSU employees and students may not post anything on the Internet in the name of DSU or in a manner that may reasonably be attributed to DSU without prior written authorization from the Office of Marketing & Communications.
4. DSU employees and students may not publicly make comments or otherwise communicate about students, parents of students, coworkers, supervisors, Delaware State University or DSU Vendors or DSU suppliers in a manner that: threatens violence, or is considered harassing, libelous, or discriminatory, whether on the basis of race, ethnic origin, religion, national origin, gender, orientation, age, disability, medical status citizenship, marital status and veteran status. If an employee or student chooses to post complaints or criticism, he or she should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, intimidating, disparaging or that may otherwise constitute harassment or bullying¹. Such communications may violate the law. If comments, communications, criticisms or complaints of this nature are found to be in violation of this policy or applicable law, students and employees may be disciplined by DSU, including possible suspension, expulsion or termination of employment.

¹ Examples of such conduct might include offensive posts meant to intentionally harm one's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability religion or other status protected by law or University policy

Employees and students should be mindful that it may be more effective to file complaints and grievances with the appropriate officials to procure a resolution.

5. DSU employees and students may not post images, information or recordings that have been obtained surreptitiously or violate applicable University policy.

B. DSU Employment related/ DSU Organizational related use of Social Media

1. Any employee or student using Delaware State University monikers, logos or trademarks including, but not limited to the University Seal or Athletics logos, or an officially recognized DSU social media account, may only do so after first requesting and obtaining written permission from the Office of Marketing & Communications.
2. If permission is granted, employees or students using a University moniker, logo, trademark or official recognized University social media account must include the name or names of the person or persons posting to the site and when appropriate department name and title of the employee posting to the site. If the name(s) of the person(s) are not revealed for reasons of legitimate anonymity, a contact person or the site administrator's name should be made available. (Example: The DSU Hornet. The person actually being the Hornet should not be revealed, however, a contact for the Athletics Department with regards to postings made by the Hornet should be made available.)
3. If permission is granted, employees or students using a University moniker, logo, trademark or official recognized University social media accounts must maintain University branding standards of usage.
4. Each University related social media account must have a responsible administrator assigned to the account. Prior approval must be given by the Office on Institutional Advancement before a student may be assigned duties on a University owned social media site.
5. Illegal, inappropriate, offensive and injurious content must be removed by the responsible administrator assigned to the account.
6. University departments are not authorized to enter into advertising services with social media outlets. ANY DSU unit wishing to purchase advertisement services from social media sites, or from any type of publication, must follow all applicable rules and policies governing the public relations considerations and the procurement and contracting considerations related to such services. University employees generally do not have the authority to place advertising without administrative approvals. Requests for approvals should be directed to the Executive Director of Marketing & Communications. Agreements should also be reviewed by the General Counsel and may require approval by the Purchasing Department.

7. Employees and students should not speak to the media on behalf of DSU. All media inquiries should be directed to the Executive Director of Marketing & Communications.
8. If you have any doubt about posting content on University related social media sites, please consult the Office of Marketing & Communications or the Office of the General Counsel.
9. Employees and students using University related social media accounts are expected to use their best judgment and exercise personal responsibility. Community, Integrity, Diversity, Scholarship and Outreach are the core values of DSU. DSU expects these values to be an underlying conveyance while participating in online activities using University related accounts.
10. Be mindful that all posted content is subject to review in accordance with the University's employee policies and editorial guidelines.
11. **DSU reserves the right to revoke access to any University social media account at any time for inappropriate conduct. "Inappropriate" is subject to the University's sole determination and discretion.**
12. Internet posting should respect copyright, privacy, fair use, financial disclosure and other applicable laws. Faculty, staff and students are not allowed to use University equipment or services to use, copy, display, or otherwise reproduce or make available to others any copyright-protected materials except as permitted under copyright law.
13. Sharing of proprietary information without proper University permission may subject employees or students to discipline, up to and including termination and/or civil liability.
14. **University Associated Identifications** - University based Social Media websites and accounts are the exclusive property of Delaware State University. Such accounts shall be surrendered when an employee or student departs or separates from the University.

C. Confidentiality/ Privacy

1. DSU employees maintaining University Social Media Sites must protect confidential information with privacy laws including information covered by the Family Education Rights and Privacy Act (FERPA) and information covered by the Health Information Portability and Accountability Act (HIPAA).
2. If a person is photographed with the intent to publish that photograph to a University social media site, a photograph release form needs to be signed by that person or their parent or legal guardian before the photograph can be posted. Similarly, images of

persons who are invitees or visitors to the University may not be posted to personal social media accounts or third party social media sites without first obtaining the permission of the person(s) whose image has been captured.

D. Procedure for obtaining a University Employment related or Organizational related account.

1. Any employee or student wishing to have a DSU social media account must fill out the Application for a DSU Social Media Account form.
2. Applicants must have a DSU email address (desu.edu or students. desu.edu) and must use that address for the application as well as for the DSU account.
3. An Account Administrator (a DSU employee) must be identified.
4. All URL's, account names and the type of account to be established (Facebook, Twitter etc.) must be provided on the application.

E. Personal Use of Social Networks

1. DSU understands that no one can work an entire shift without taking a break. Therefore it is permissible for employees to check social media and networking sites during permitted breaks during the work day (e.g., lunch) on their personal devices. Employees who have a designated break time and who would like to use their internet based Social Networks are required to do so during designated breaks. **Delaware State University reserves the right to review all communications made on University owned communication devices and accounts.**
2. No employee may use a Delaware State University device (e.g., a computer, cell phone, tablet) to post information on a personal social media account or third party social media site.
3. Confidential or proprietary University information or similar information of third parties, who have shared such information with you on behalf of DSU, may not be shared publicly on social media Unless doing so under §7 of the National Labor Relations Act.
4. DSU employees are expected to adhere to the same standards of conduct online as they would in the workplace. Laws and policies respecting contracting, conflict of interest, drug testing, discrimination, interactions with students, parents, alumni, donors, media, and all other DSU constituents apply online in the social media context in the same manner as they do to in personal interactions. Employees are fully responsible for what they post to social media sites.
5. University logos and or visual identity cannot be used for personal social media without University permission.

6. Do not use DSU email addresses to register on social networks, blogs or other online tools utilized for personal use.
7. Never represent yourself as a spokesperson for DSU. If DSU is the subject of the content you are creating, be clear about the fact that you are an employee or student and that your views do not represent those of DSU.
8. If a DSU employee or student maintains personal social media accounts, he or she should avoid creating confusion over whether or not the account is associated with DSU. If he or she identifies himself or herself as a DSU employee or student (expressly or implied for example stating, "I work at an HBCU in Delaware"), it should be clear that the views expressed are not those of Delaware State University.
9. Do not create a link from your blog, website or other social networking site to a University website without identifying yourself as a DSU employee or student.
10. The University does not monitor personal websites but will address issues that violate Human Resources, editorial, graphic and Social Media guidelines. The University reserves the right to monitor or inspect personal websites or social media sites if a University device is being used to facilitate access to said sites.
11. The University encourages faculty, staff and students to use social media but reminds users that at any time they can be perceived as a spokesperson of the University.
12. Violation (s) of this Policy may result in disciplinary action up to and including termination of employment or expulsion from the University depending on its severity.
13. DSU prohibits any retaliation against any student or employee for reporting a possible deviation from this Policy or for cooperating in an investigation. Any student or employee who retaliates against another student or employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, including possible expulsion or termination.

E. Notice

Due to the evolving nature of social media, these policies and guidelines are subject to revision by the University whenever necessary and without prior notice.

F. Responsibility

1. Employees should be familiar with employment agreements, the employee handbook, and any statements of confidentiality signed as a condition of employment.
2. Students should be familiar with the Student Code of Conduct. In particular, students should be aware that the section on Decorum applies to the use of social media.

3. DSU students and employees are responsible for what they write on social media platforms and are encouraged to exercise good judgment and common sense.

G. Disclaimers

This policy in no way requires or demands access to personal (non-DSU) social networking profiles. Nor does this policy require that DSU or any of its representatives be added as a contact to any personal social networking site. Student workers and employees should not have an expectation of privacy when using personal social networking sites on University owned devices. **Students and employees are strongly encouraged to use the privacy settings provided by social media sites.**

This Policy does not restrict protected activities under §7 of the NLRA. Nothing in this Policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment consistent with the provisions of state and federal labor laws. DSU employees have the right to engage in or refrain from such activities.



APPLICATION FOR A SOCIAL MEDIA ACCOUNT

Name: _____ Major/Job Title: _____

Email Address (must be a DSU standard email address): _____

Phone number (Please include area code): _____

Name of DSU department, group, program or organization for which the social media account(s) will be created:

Please briefly describe the intended purpose of your account(s): _____

Name and DSU standard e-mail addresses of two DSU employees who will serve as administrators of the account(s):

Administrator #1 Name: _____ Email: _____

Administrator #2 Name: _____ Email: _____

Social Media Accounts

Which type of social media account(s) are you applying for? _____

If you already have an account(s) set up, please provide the URL(s).

Please select all that apply. (Account URL example: www. Facebook.com/delawarestateuniversity)

Facebook Account URL: _____ Twitter Account URL: _____

Instagram Account URL: _____ Snapchat Account URL: _____

LinkedIn Account URL: _____ Flickr Account URL: _____

YouTube Account URL: _____ Other Account URL: _____

Please attach submit your account profile image/avatar for approval to ensure compliance with DSU Graphic Standards.

I have read and understand the terms and conditions applicable to University related social media accounts. I am applying for and I accept Delaware State University's Social Media policy.

Signature: _____

Date: _____

Printed Name: _____