

# Believe it Big Brother is watching

*By Heath Merchen  
Associate General Counsel*

Q — When is the email you read and send while at work considered private?

A — Never.

Q — When is information about what websites you visit, what articles you read, or what information you enter on the computer while at work considered private?

A — Never.

Q — When is it a good idea to post suggestive pictures or statements on your MySpace page in hopes of meeting “the one.”

A — Never.

Q — When is it okay to use the paper in your printer at work, the school’s computer or any other school equipment to conduct your own personal business?

A — You guessed it. Never.

Q – How often do parents and your administration think it’s a good thing to IM (instant message) a student, text a student, or call a student on your cell phone?

A – Never ... and if one of those students ever falsifies a sex-related report about you, the very fact that you IM’d the student will be enough to convince some jurors that you’re guilty – regardless of the content.

For any who disagree with the above advice, there is a long list of teachers, support employees and even administrators throughout Oklahoma who have faced reprimands, suspensions, terminations, and criminal charges for these actions. Sadly, however, many still fail to heed our warnings and are just one click or text message away from the same fate.

In hopes of stemming the flow of these cases, which are extremely difficult to defend since the district usually has caught the staff member red-handed, (and sometimes red-faced for those accessing more provocative websites), we have put together the following list of the five big DON’Ts regarding technology use on the job.

1. Do not use your district email for personal business and never IM a student, text a student, or post anything on their MySpace page (or accept any posts from students on yours).
  - a. This includes emailing any OEA staff member or discussing OEA or local business with other staff members.

- b. In some districts the local Association has an agreement whereby notices and other generic materials can be sent by Association officials through email or the inner-office mail system and the Association pays a fee for access. Even in those districts, the privilege should be used only by officers of the Association, and only for local Association issues. If you have a need to interact with others regarding personal matters, use your personal email.
      - c. If using personal email, access it from home, not school. Once you access it from your school site, the district can review any personal emails you opened. In addition, many emails automatically open suggestive websites that will show up on the district's server records.
      - d. If someone hears that you are exchanging text messages with a student, emailing them directly, calling them on your cell phone, or posting on their MySpace page, the first presumption is that you are some kind of pervert – it doesn't matter that the content is innocuous. So don't ... period.
2. Do not access pornography or suggestive materials from work.
  - a. The district knows what you are accessing and your web access can be tracked with minimal effort.
  - b. You will get caught and you may get fired. For your sake and ours, don't do it.
3. Do not forward jokes, inspirational messages, religious messages, political messages or any other type of mass email to other staff members.
  - a. What is a seemingly harmless joke or inspirational quote to you may be considered an insult to someone else, resulting in a complaint, an investigation, discipline, or worse.
  - b. Once you forward an email, you could be held responsible for anyone the receiving party forwards it to on down the line.
  - c. The bulk of emails sent regarding sympathetic tales of woe, inspirational "true stories," or warnings of imminent danger are false urban legends that have absolutely no basis in fact. Trust me, nobody in Las Vegas has ever been found unconscious in a bathtub filled with ice after having his kidney stolen (at least not according to the Las Vegas Police Department).
4. Do not send a criticism, an angry response or any kind of negative information through email, especially to your principal, superintendent or a parent.
  - a. Emails come across as cold, and even if you don't mean to offend, offense may be taken. Such concerns are better delivered face to face.

- b. If you have a gripe, talk it over with your OEA advocate before proceeding. Sadly, members have emailed some horribly insulting responses to their supervisors, students and even parents.
- 5. Don't put anything suggestive or even slightly lewd on any web page you maintain (MySpace, Friendster, Yahoo! 360, etc.), including personal ad pages. If you choose to set up a page, keep it professional and make sure to secure it so students, and others, can't post comments over which you have no control. We've had more than a few members who faced severe disciplinary consequences because of personal ads and other web pages.

Please don't simply read these warnings, but heed them, as adhering to these guidelines will help keep you and your fellow staff members out of trouble. If you have questions or concerns, please contact your OEA advocate as soon as possible.