

Employee Speech, Expression and Social Networking

1023.1 PURPOSE

Public employees occupy a trusted position in the community. Their comments, photos and other posting to social media, have the potential to conflict with the policies and performance of this Department and may have the effect of diminishing the public's trust and confidence. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Diego Community College Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. This policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption. Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1023.2 SCOPE

This procedure applies to all members of the Department. This policy applies to all forms of communication involving social media, including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Employees should consider the implications of their speech or any other form of expression when using the internet. Personal use of social media shall be in conformance with all laws, relevant department policies including those relating to harassment, discriminatory conduct and dissemination of information, including the posting of personal information in a public forum that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

1023.3 GENERAL PROCEDURES

San Diego Community College District PD

Policy Manual

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1023.3.1 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern).

Speech or expression that is linked or related to the San Diego Community College Police Department and compromises or tarnishes the mission, function, reputation or professionalism of the San Diego Community College Police Department or its employees. Examples may include:

- Statements that indicate disregard or contempt for the law or the state or U.S. Constitution.
- Expression that exhibits support for criminal activity.
- Participating in sexually explicit photographs or videos for compensation or distribution.

Speech or expression that could reasonably be expected to have a negative impact on the credibility of the employee as a witness.

Speech or expression of any form that could reasonably be expected to have a negative impact on the safety of the employees of the Department.

Use or disclosure, through any means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the San Diego Community College Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police or their designee.

Employees shall take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1023.3.2 UNAUTHORIZED ENDORSEMENT AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees shall not identify as a member or representative of the San Diego Community College Police Department or the San Diego Community College District when engaged in any of the following

- Advocate, support, oppose or contradict any political campaign or initiative.
- Advocate, support, oppose or contradict any social issue, cause or religion.

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- Advocate, support or oppose any product, service, company or other commercial entity.
- Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be interpreted that an employee, acting in their individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the San Diego Community College Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1023.4 PRIVACY EXPECTATIONS

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system.

The department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).