

Use, Possession, or Distribution of Inappropriate Social Media Content

The use of social media to publicly post, tweet, text or otherwise distribute nude or other inappropriate photographs, drawings, messages, videos, or other forms of visual or written content for public access through Facebook, Twitter, Instagram, Snapchat, e-mail, or any other platform or to possess or display on any media device including, but not limited to cell phones, iPads, computers, and tablets is prohibited while on school premises, and while attending a school event and may subject the person engaging in such behavior to serious disciplinary consequences, up to and including long-term suspension or expulsion from school. Students and parent should also be aware that students who engage in this behavior off campus may also be subject to disciplinary actions if the behavior is disruptive to the educational process.

Such behavior may also be criminal. The State of New Mexico does not have a separate statute for sexting crimes, which is defined as “the sending of sexually explicit messages or images by cell phone, social media or other digital platforms. However, under New Mexico law anyone –regardless of age – who creates, distributes or possesses an image of a minor engaged in a sexually explicit act may be prosecuted under the State’s child pornography laws and if convicted, may serve up to 9 years in jail and be required to register as a sex offender.

The Portales Municipal Schools Board of Education wishes to bring awareness to our students of the potential negative effects of social media. Students should review the appropriateness of their online public material and consider whether it is legal and positively reflects the student, the student’s family, the community, and the Portales Municipal School District.

Students and parents must understand that everything posted/tweeted/texted on Facebook, Twitter, Instagram, Snapchat, and general texting can, and usually does, become public information. Any text, photo, and/or video placed online is completely out of the student’s control the moment it is placed online.

Students should be aware that third parties – including peers, media, coaches, strangers, police, and even future employers – could easily access their profiles and view all information that is posted, whether appropriate or not. This includes all pictures, videos, comments and posts. Inappropriate or illegal material found by third parties can be used for any purpose and shared with others without permission from the student who posted the material. Inappropriate material could then be used to coerce, bribe, harass, bully, or blackmail the student or the student’s family or friends.

In some instances, this material could be used for legal matters such as criminal prosecution or a civil lawsuit. In addition to the possibility of a criminal record, the long-term negative impact can also include being denied employment or other career opportunities.

Examples of illegal, inappropriate and/or offensive behaviors concerning participation in online public communities include the following:

- Photos, videos, comments or posts showing the personal use of alcohol, drugs, and tobacco;
- Photos, videos and comments of a sexual nature;
- Nude photos or videos of the student, the students friends, family, or commercial photos or video;
- Pictures, videos, comments or posts that condone drug-related activity;
- Content online or sent thru a text that is derogatory, demeaning, threatening toward any other individual or entity (examples: derogatory comments regarding another peer, coach, teacher, student from a different school, etc.);
- No posts should depict or encourage unacceptable, violent, or illegal activities (examples: hazing, sexual harassment, sexting, fighting, etc.);
- Creating a serious danger to the safety of another person or making a credible threat of serious physical or emotional injury to another person;
- Posts that whether by message, photos, or video that are intended to harass, bully, or otherwise intimidate any person; and
- Use of profanity

Local law enforcement, the Children Youth and Family's Department or Tribal law enforcement or social services may also have to be notified if there is reasonable suspicion that a child is being abused or neglected, which includes sexual exploitation.