



Electronic Communication Guidelines for Trustees

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THE USE OF E-MAIL IS REPLACING OR has already replaced traditional (“snail”) mail and even telephone communications in day-to-day college and business-related communication.

E-mail and electronic communication have enhanced our quickness and efficiency, as well as our ability to deal with transmitting ideas and developments for direct analysis. We all find it very beneficial to be able to cut time disseminating next month’s board agenda, articles on college developments and new draft policies under consideration. Information on virtually every aspect of your responsibility as a trustee can be provided electronically. Along with this wonderful tool for learning, business development and communication comes the significant responsibility to be careful in your use of this tool to communicate and disseminate information.

We also must be sensitive to privacy concerns regarding confidential matters of

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Never send any electronic communication or attachment that you would mind seeing on the evening news or being printed in the newspaper with attribution to you.

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colleges. Legal concerns that the communication or material may be subject to discovery and ongoing litigation also abound. Communication of personal opinions on a matter of relevance to a college may also raise issues. Care and thought should go into every communication before the send button is pushed.

Wholly apart from matters of direct interest to your responsibility as a trustee, other activity on the Internet may raise other issues. One must be careful not to commingle personal and trustee communications and interests. Ideally, a trustee’s e-mail address for college business should be separate from his or her personal e-mail address and even from their business e-mail address. While that may not always be possible, it is important to make sure that you maintain discipline in using the college server and e-mail address for college business only. To the extent that you co-mingle college business with other business matters on a business-related e-mail, you run the risk that it may be subject to litigation discovery in your trustee life or your business life. This can be complicated further if you use the same e-mail address for personal communications.

Remember that your off-hand comments in one area may implicate or

WHOLE FOODS EXECUTIVE USED ALIAS IN BLOG

Company Subjected to FTC and SEC Investigations

The chairman and co-founder of Whole Foods Market came under heavy criticism recently as a result of more than 1,000 entries he posted under a pseudonym on Yahoo Finance’s bulletin board over a seven-year period, championing his company’s stock and occasionally blasting a rival Wild Oats Market. The story was disclosed in the *Wall Street Journal* in July of this year. The chairman’s stated defense was: “I posted it

on Yahoo under a pseudonym because I had fun doing it.” He continued, “I never intended any of those postings to be identified with me.” The fiasco has led to his company being on the receiving end of separate Federal Trade Commission and Securities Exchange Commission investigations of the company’s acquisition of Wild Oats Markets.

Community Colleges have largely been

spared the embarrassment of this kind of incident by either their presidents or board members. Nonetheless, it would be prudent to consider developing guidelines and standards of conduct for trustees.

Every trustee should consider the following checklist of issues and guidelines as he or she becomes more immersed in the active and productive world of electronic communication.

be relevant, or even embarrassing, in another area. At the end of the day, it is important to keep business and personal communications separate and trustee and college-related communications separate from either of the other two communications. No matter what, civility is always the watch word and no communication or attachment should go out that you would mind seeing in the newspaper.

On top of that, considerations concerning your state's open-meeting law should be reviewed by college counsel. It is advisable to have guidelines issued so you can be well informed and guided in the use of these communication tools without running afoul of your state's open-meeting law.

Below is a private sector example of a company executive using an Internet blog "anonymously" and subjecting his company to FTC and SEC investigations.



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Think Before You Click Send



"You have the right to remain silent. Anything you say may be used against you in a court of law, newspapers, periodicals, radio, television, all electronic media, and technologies yet to be invented."

TRUSTEE GUIDELINES

1. Review and stay current on your college's electronic communication guidelines applicable to all faculty and staff. Familiarize yourself with guidelines applicable to students.
2. Seek counsel to understand under what circumstances trustee electronic communications could trigger your state's open-meeting law provisions.
3. Seek counsel or develop guidelines on electronic communication issues that may relate to pending litigation and other confidential college matters. Seek guidance on the reach of pending litigation to trustee communications.
4. Consider setting up electronic communication guidelines and preferred etiquette guidelines tailored for trustees.
5. Consider privacy and confidentiality issues with regard to all electronic communications on matters dealing with college issues.
6. Consider copyright implications of sending articles and other copyrighted material to trustees and college staff members.
7. Understand and seek guidance on the distinction between use of the college server for personal, business and college business communications.
8. Never send any electronic communication or attachment that you would mind seeing on the evening news or being printed in the newspaper with attribution to you.