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Social Media, Privacy, and the Academic Classroom

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Abstract

The ease of posting to social media has greatly increased the sharing of information but this can also pose a threat to classroom privacy and academic freedom. Examples from across the world illustrate how the expectation of classroom privacy has been eroded and the potential consequences are discussed. Additionally, this paper discusses how academic policies could potentially protect free speech in the classroom.

Keywords: Social media; privacy; academic freedom; academic discourse; classroom discussion

Introduction

News sources are flooded with stories about some controversy or another going viral on social media sites, such as Facebook, Twitter, Reddit, and YouTube. While many of these stories focus on a celebrity or politician, there are a growing number of instances in which academic institutions and their faculty are the focus of such viral stories. In the past, the events and discussions that occurred in the classroom predominately stayed in the classroom unless they were particularly egregious. However, with the proliferation of smart phones and their ease of recording audio and video and uploading to social media sites, it now seems that anything said in class is fair game for becoming national and international news thanks to the internet. And it is not just videos that faculty and others much watch out for: with so much communication done electronically emails sent, often in haste, are also at risk for being shared and possibly misconstrued, globally.

Going Viral

When something goes viral on social media regarding academia, the topic in question tends to fall into one of three categories: politics, race, and emotion. Audio and video recordings of rants, especially political rants seem to be the most popular type that goes viral from academia. These recordings are made by students witnessing the instructor's diatribe and they proceed to upload the recording to social media sites or sites such as Campus Reform which touts itself as "a watchdog to the nation's higher education system...[which] exposes bias and abuse on the nation's college campuses" ("Campus Reform Mission", n.d.). For example, in April 2013 the website Campus Reform reported on an incident and included a video from the University of Southern California. In this video, a faculty member is shown ranting in a political science class about the Republican Party, stating that they are "stupid and racist" (Darcy & Ryan, 2013). An audio recording also posted to Campus Reform in April 2014 from Eastern Connecticut State University shows a creative writing professor ranting about Republicans as well and stating that they are "racist, misogynistic, money grubbing people" (Bonham, 2014). Another creative writing professor, this time at Michigan State University was also filmed during an anti-Republican classroom rant in September 2013 (Gantert, 2013).

Academia tends to have a more liberal slant as a whole, so when it comes to politics, discussions about our two party system does not always look kindly towards the Republican party. These are some instances in which faculty teaching classes went on diatribes that were anti-conservative and anti-Republican in nature. In the example from Eastern Connecticut State University, the controversial comments were viewed as being within the scope of the class's topic and an unnamed university representative stated "our faculty has academic freedom to conduct their classes in whatever way they choose, this is not a university matter" (Darcy & Ryan, 2013). However, in the case from Michigan State University, the offending professor was relieved from his teaching responsibilities for the rest of the semester (Gantert, 2013).

The world of academia is known for being a melting pot of ideas, a place for open discussion, critique, and even criticism of the status quo. To that end, it is not unusual for classes to have a political focus and the views expressed are not always positive or even popular. However, this is one way instructors employ to get students to start thinking for themselves, questioning authority. Within the scope of the curriculum, instructors have an expectation that they can freely make comments that could be controversial, but these statements are used to make a point about the course topic, to further discussion and take it in another direction, to get students to start thinking about other views and additional arguments. That's not to say that instructors can expect to have total impunity for anything that they say in class, for example, if they go on a rant that falls outside the scope of

the course's focus, but as long as they stick to course-related discussions, they expect to be able to freely discuss and lecture, without fear of possible repercussions.

Politics is not the only topic that makes the news, however. Comments that are racist, either intentionally or unintentionally are another popular type of controversy. And not all instances are brought to light by video or audio recordings, either. An email in September 2013 from a faculty member at Texas Christian University sent to a select group of students asking that “only students of color” come to a study session to discuss their experiences and difficulties at college as a minority. The professor generated this list of students by looking at the last names on the roster (Flaherty, 2013a). The University of Sydney made headlines in October 2014 because of racist comments made by a poetry faculty member in email exchanges to colleagues about the aboriginal population of Australia (Gibbs, 2014). The final example is from the University of California – Los Angeles in December 2014, a law professor created a question on an exam that asked whether the stepfather of Michael Brown should face indictment for statements that he made following the Ferguson Grand Jury's decision. Offended students in the class made this question public and the faculty member later apologized for the impropriety of the question (Lott, 2014).

Sometimes, the stories that go viral deal with more unique situations, usually caused by stress and frustration felt by the faculty member. A November 17, 2010 headline from eCampus News states “Professors ‘yawn’ rant offers a lesson in viral video” and discusses a student video from Cornell University of an enraged professor's rant at the class and at one individual in particular who had been habitually yawning disruptively the entire semester (Carter, 2010). Whereas in October 2012, a math professor at Michigan State University suffered a nervous breakdown during class, ranted about computers and his wife, and stripped naked. Accounts of the incident and photos of the naked professor talking to police were posted on sites such as Reddit (Kingkade, 2012).

All of these examples are unfortunate and could honestly happen to anyone. We may begin speaking before really thinking through our words and how they might be interpreted or we may send an email too quickly without re-reading and trying to view how others might construe our statements. Instructors who are embroiled in these types of events often end up having to deal with the consequences of their statements. In some cases, faculty are relieved of their teaching duties, either for the rest of the semester or for longer periods of time (Gantert, 2013). In the most severe instances, the faculty may even be terminated (Martin, 2011). While in others, the college or university may stand in support of their faculty, arguing that what was said was in the name of academic inquiry and exploration and not meant to be hateful or malicious (Darcy & Ryan, 2013). One cannot predict how their school's administration will respond to such an event and all responses will be made

on a case by case basis. Regardless of how the institution reacts, the story will forever follow that person and could potentially mar their reputation and career.

Creating Policies

With the interconnectedness of the world and how easy it is for anyone to share anything with everyone, it can be hard to not self-censor yourself. Educators have an obligation to encourage free thought and expression but this can be a terrifying prospect when you start worrying that someone in your class is secretly recording you, taking screenshots of an email you sent, or repeating, probably out of context, what you said in class. How do we deal with this, especially when we are teaching controversial topics, when we are caught up in worrying about our careers and how we could end up haunted by a statement or email?

In an effort to combat these fears and help classrooms remain a safe place for academic exploration, some colleges and universities are working on creating policies to try to prevent recording of classroom lectures and distributing classroom materials, including emails, unless the instructor approves beforehand. These policies are created in an attempt to promote intellectual freedom and privacy. While some institutions have adopted such policies, many have not yet done so but there is a trend for more institutions to develop recommended language most likely motivated by many of the news stories highlighted earlier.

The main driving forces behind the creation of such policies include concerns about copyright, intellectual property, and privacy. In the case of copyright and intellectual property, faculty are especially fearful that the course materials and lectures that they work hard to develop will be recorded and shared without their permission or control. Copyright and intellectual property laws protect the rights holder when it comes to distribution and with anyone recording in class and posting on the open web, some of the rights guaranteed by law are violated.

In regards to privacy, faculty may have this obvious concern: no one wants an embarrassing video of themselves (that they did not consent to) showing up on YouTube or elsewhere. Faculty must watch what they say, which of course might be seen as a positive thing in rare instances (Carter, 2010), but more likely it has a negative effect. Self-censorship and fear of discussing any controversial issues related to the course topic can greatly hamper the purpose of such classes and the whole college experience. Even if the faculty is merely playing devil's advocate in a discussion that could be shown out of context, causing backlash.

Privacy issues apply not just to faculty, but the students as well. Students have a right to privacy in the classroom and a legal right to the protection of class records under FERPA. With the prospect that classes might be recorded or the possibility

that any discussions that take place in class could be recounted and shared online, students may clam up rather than contribute to classroom discussions. Rather than furthering education and academic discourse which is so important to the advancement of knowledge, students may feel that it is unsafe for them to share their thoughts and opinions on a class topic and fail to participate, especially if their ideas are different than the rest of the class.

Formal Policies

As mentioned earlier, while many institutions have not yet adopted policies related to protecting the classroom through the implementation of formal policies related classroom recording and sharing class materials, there are a growing number of institutions that have such policies in place. This section will highlight four colleges and universities and their policies.

The University of Virginia's policy on "Recording of Classroom Lectures and Distribution of Course Materials by Students" was enacted in August 2011. This policy forbids "recording and transmission of classroom lectures and discussions by students without written permission" from the instructor and who would then issue advanced notification to all students in the class. It states that the "recording[s] may not be reproduced or uploaded to publicly accessible web environments." The goals for this policy are also listed and state that this policy is enacted in order to respect the integrity and effectiveness of the classroom experience, protect students and faculty dignity and privacy, respect faculty and University rights in instructional materials and comply with copyright law (University of Virginia, 2011).

Hope College, a private liberal arts college in Michigan has a similar policy to the University of Virginia: recording of classroom lectures and discussions must first be approved by the instructor, who will then notify students in the class, and that it is solely for educational purposes and not for distribution on the internet. Similarly to the UVA policy, the policy's goals are to promote student learning, differentiate between public and private space, create a safe classroom environment, respect individual privacy, provide informed consent, and consider potential consequences from distribution of such materials. These consequences include grade and non-grade sanctions (Hope College, n.d.).

At Minnesota State University, Mankato University, their policy on "Recording of Classroom Lectures and Materials" requires the destruction of any course materials including recordings at the end of the semester. Posting or distributing recorded or copied material or using it for any non-educational purpose violates their policy and there's a threat of disciplinary action. The purpose of this policy is clearly stated as a way to "preserve a balance of intellectual property rights of the faculty member

and the privacy rights of the students present in the classroom” (Minnesota State University, Mankato University, 2015).

Penn State University has a similar policy to the other examples. Their policy entitled “Recording of Classroom Activities and Note-Taking Services” requires instructor approval before a student can record a class, the recording is for the educational enhancement of students enrolled in that class, and any recordings cannot be made available to anyone outside of the class unless they have explicit permission to do so from the instructor or an authorized University administrator. Once again, the policy’s purpose is clearly stated: “faculty and students engaged in the instructional process have a reasonable expectation of privacy. Assurance of privacy encourages open and robust discussions on issues and ideas without fear that the statements made will be used for inappropriate purposes and, thereby, enhances learning” (Penn State University, 2013).

As you can see from this small sample of college and university policies, they have many aspects in common. They require students to first obtain permission from the instructor before doing any sort of recording and allowing instructors to notify the rest of the class about possible recordings. The purposes of the recordings are solely for the student’s educational uses and not to be posted or otherwise distributed. And finally, failure to comply with these policies at all these institutions would result in some sort of disciplinary action. Additionally, these policies clearly state their purpose: to protect the intellectual property rights of faculty and to ensure privacy of classroom interactions and discussions. Educators at institutions without a formally adopted policy always do have the option of adding a syllabus statement regarding whether it is or is not acceptable to record and/or distribute class materials and discussions and what the terms are. This can provide some level of protection for yourself and your classroom.

Issues Related to Policies

While institutions are now working on implementing policies related to controlling recording and the potential for subsequent distribution of classroom activities, there’s an argument raging between intellectual property experts about whether or not these policies are actually enforceable. Do faculty have an expectation of privacy in the classroom or is the classroom setting in and of itself considered a public venue? If there is no expectation of privacy, then anything that occurs in the classroom is fair game to be recorded and distributed (Flaherty, 2013b).

In regards to faculty created course materials, if a student takes parts of the materials, such as recordings or screenshots of emails and shares them on a site for noncommercial purposes, is this action considered protected under the fair use doctrine of copyright? If so, does the policy prohibiting any sort of recording or

distribution trump copyright law and the fair use exception or does copyright law come first (Ibid.)?

At the institutions with policies in place, if there is a violator and the situation makes headlines for the severity in occurrence, can and would the institution enforce any penalties against the student who served as a whistleblower? Would the institution want to deal with the fallout and additional bad publicity from not only an embarrassing event involving a faculty member but also the negative publicity of punishing the student who shed light on the impropriety? The only way that we'll start to get some real answers to these questions is for more incidents to happen. It's only a matter of time before a controversial incident like the ones mentioned earlier happen at an institution that has such a policy.

Educating Students About Social Media and Internet Permanency

Two of the newsworthy incidents highlighted in an earlier section happened at Michigan State University. In response, an ad hoc committee of faculty was assembled to provide recommendations, such as the creation of an official policy regarding such recording and distribution and sample syllabus language instructors can use. One additional suggestion that this ad hoc committee came up with was the idea of offering an intercollege course in "Digital Literacy and Presentation." This course would teach incoming students how to "participate in their professional digital communities in an effective and responsible manner" (Michigan State University, 2014).

Librarians and other educators can and should consider borrowing this course idea and instructing students on social media and the permanency of what they post on the internet. A formal class does not need to be created, as you can instead try to work the lessons into your instruction sessions or create a special workshop to educate students on these issues. You can also couch it is building your professional brand or how to market yourself. Too often, students are so caught up in the present that they do not really think about how what they post on social media is going to follow them for the rest of their lives. Basically, they might be ignorant about the implications of posting some things online and how this could potentially haunt them, or others later on. Employers commonly Google prospective employees; this is just a smart HR move employed to look for red flags. It is helpful to remind students of this fact and that drunk, embarrassing posts about their 21-year-old self may resurface in a Google search when they are 34 and that these posts could cost them a job.

Additionally, there are far too many websites where people can upload embarrassing pictures of others, for example. One site that comes to mind is PeopleofWalmart.com. On this site, shoppers at Walmart snap embarrassing photos

of other Walmart shoppers and then post them on this site, with mean and hurtful captions and equally mean comments. Sites like this proliferate on the Internet and to a student who frequents these sites, they might think twice about secretly snapping a photo to contribute. But what they do not realize is that they are violating the other person's privacy and in some cases, their dignity as well. With a little bit of education, librarians and educators can explain why participating in this aspect of our culture is not acceptable and go on to teach them not just about respecting the privacy of others, but also about how what they post may be used against them later on in their life and when they work to build their careers.

One last thing that I want to mention is the Right to be Forgotten movement that is sweeping across Europe and gaining traction in the United States. Just as the name suggests, this movement supports the idea that people have a right to be forgotten on the Internet; a right to have old items removed from Google and elsewhere that could cast them in a negative light. This movement sounds great for privacy advocates but opponents argue that this movement is a form of Internet censorship and a blow to freedom of expression. Currently, this movement is controversial with a lot of debate from both sides, so for now, we wait and see how it unfolds (Rosen, 2012). So unless this movement becomes standard Internet policy, it is a good idea to continue to teach students about how little privacy exists on the web.

Conclusion

Academia is built with a foundation of academic freedom for the creation and expansion of knowledge. If faculty and students begin to fear their privacy, or rather lack there of, in the academic classroom, academic inquiry can be stifled. While viral videos and other materials could help ensure that instructors are not abusing their positions of authority, ranting about topics and views that do not directly relate to the course's topic, there is a far greater consequence to this constant fear of potentially being recorded without ones knowledge. To cope, some colleges and universities are turning towards creating policies that limit the distribution of classroom materials, including the unauthorized recordings of lectures, but the level of enforceability for these policies is debatable and only time will show whether the constant threat of classroom social media coverage hinders intellectual exploration or whether the academic classroom remains a free bastion for academic curiosity and discussion. While policies could help protect the classroom, educating students on social media and the permanency of Internet posts can help create individuals who are more aware of the effects of posting and respectful of the privacy and dignity of others.

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