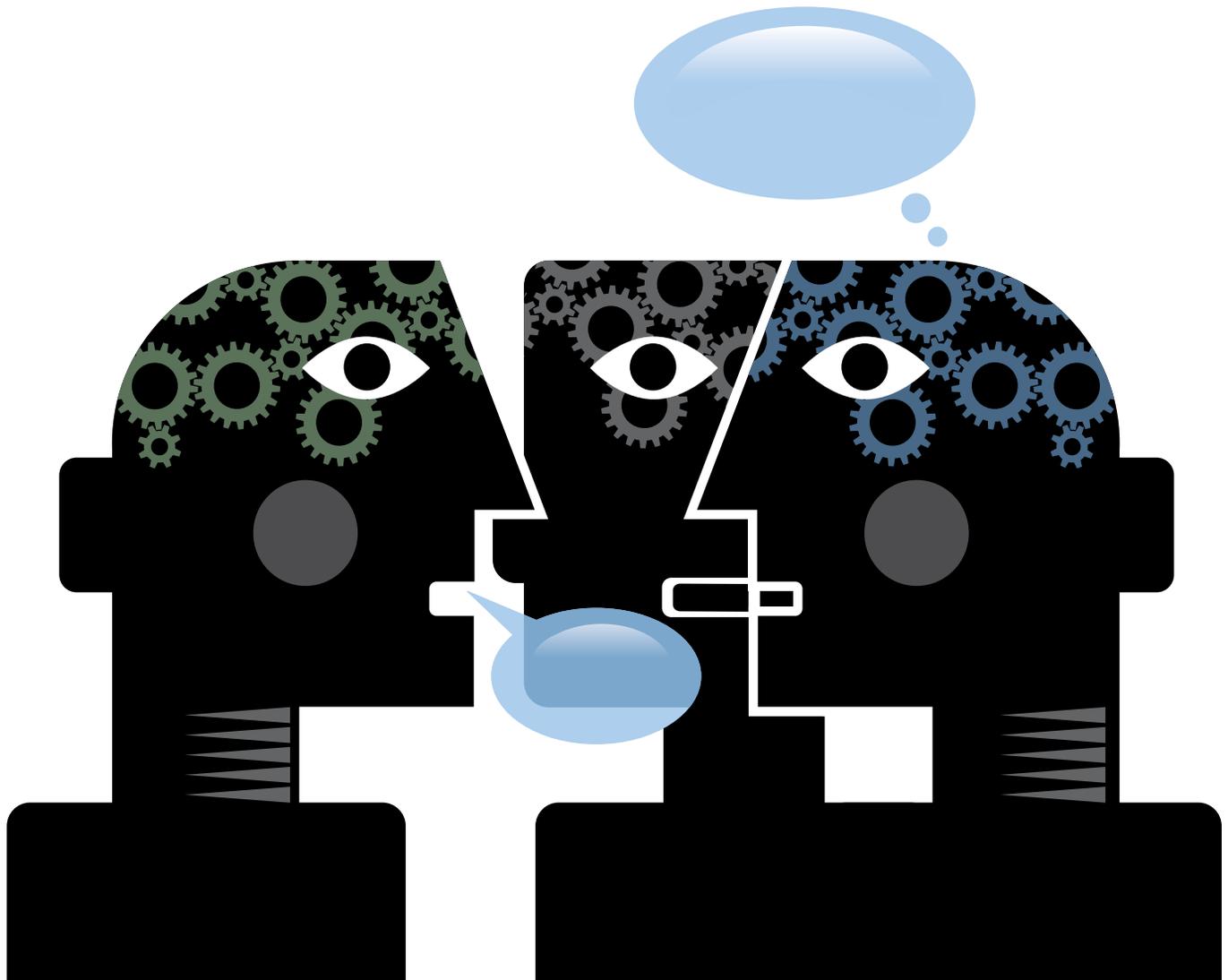


By Harry Ess Belch

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# Teachers Beware!



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## The Dark Side of Social Networking

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Think teachers can post what they want on their own time? Think again.

Many have lost their jobs over social networking gaffes in recent years.

Follow this ed tech specialist's advice to stay both socially active  
and happily employed.

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Two years ago, I received my first email from a staff member alerting me to a teacher's Facebook page. She was concerned that the teacher had posted photos of herself and other teachers with drinks at a local bar. At the time, I didn't share her concern. I felt that teachers had every right to enjoy their own social lives after school, and it was nobody's business what they did when they weren't on school grounds. And I had no desire to become the Facebook police at my school. I told the reporting staff member that if she thought any students were in danger because of the postings, she should contact the administrators, with the implication that she should otherwise let it go.

I have since learned a lot about how school districts cope with teachers and online social networking sites. Here's what I found out and what I recommend to teachers who want to have an online social life *and* hold on to their jobs.

### The Perils of Posting

I knew that teacher discipline over social networking practices was becoming more common, but I had no idea just how common. Here are just a few of the cases that a quick internet search unearthed:

- An unidentified elementary school teacher in Charlotte, North Carolina, USA, listed her hobbies as

“drinking” and “teaching chitlins in the ghetto of Charlotte” on her Facebook page in 2009. She also posted photos of herself and others in sexually suggestive positions. She was suspended with pay because the school district determined that the comments affected her ability to interact with students and parents, stating, “Clearly, when there is poor professional judgment, it impacts the teacher's ability to do their job.”

- In 2009, Beaver Dam Middle School (Wisconsin, USA) teacher Betsy Ramsdale posted a photo on her Facebook page of herself pointing a gun at the camera. She was placed on administrative leave for what “appears to be poor judgment.” The community was split. One parent commented, “I don't think it's appropriate. I'm not sure why this would be on the computer at all,” while another parent offered, “I don't see anything wrong with it. She's on her time to do what she wants.”
- In 2009, Sonya McNally was suspended from Humberston Comprehensive School in Grimsby, England, for posting a private message on her Facebook page that one class of students was just as “bad” as another class. This offended another teacher, who complained. McNally was suspended for “bringing the school into disrepute.”
- Gloria Gadsden, a sociology professor at East Stroudsburg University

in Pennsylvania, USA, had a few bad days in January 2010 and decided to vent on her Facebook page. As a result, she received an indefinite suspension from the university. Gadsden wrote, “Does anyone know where to find a very discreet hitman? Yes, it's been that kind of day...” On a different day, she offered that she “had a good day today, DIDN'T want to kill even one student :-). Now Friday was a different story.” This ordeal led Gadsden to comment, “I honestly have to say that people have too much faith in the internet. I think the internet can be as dangerous as it is wonderful.” Gadsden was eventually reinstated.

- Last year in Pennsylvania, Brownsville High School Spanish teacher Ginger D'Amico hosted a bachelorette party with other teachers that included a male stripper. One of the attendees posted a picture of the event on her own Facebook page. Unfortunately for D'Amico, she was the only teacher identifiable in the photo. It was brought to the attention of her administrator, and she was suspended for 30 days, which was eventually reduced to 19 days. Other teachers in attendance received letters of reprimand. After the American Civil Liberties Union became involved, D'Amico was able to reach an out-of-court settlement with the school district.



Betsy Ramsdale (left), a middle school teacher from Wisconsin, USA, was placed on administrative leave for posting this photo of herself on Facebook.

Ashley Payne (right), a high school teacher from Georgia, USA, thought her Facebook comments and photos, such as this one, were well hidden behind Facebook's privacy settings. She is currently fighting in court to get her job back.



Every state has rules that govern teacher behavior outside the “schoolhouse gate,” but the legal protection offered to teachers often fails when the teacher decides to make his or her private life public through social networking sites.

### What the Law Says

I decided it was time to find out what protections—if any—the law offered teachers for their freedom of online expression.

According to the U.S. Supreme Court, neither students nor teachers “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” That means that, for the most part, teachers and students maintain their constitutional protections at school. They also have some protection outside of school when speaking as private citizens on matters of public concern. But I soon discovered that the privilege of teaching also comes with unique speech and privacy restrictions.

In the United States, every state has rules that govern teacher behavior outside the “schoolhouse gate,” but the legal protection offered to teachers often fails when the teacher decides to make his or her private life public through online social networking sites. The four key factors that determine how much trouble, if any, a teacher may face for this type of transgression focus on whether or not:

- The teacher is on a continuing contract
- A nexus can be established between the teacher’s behavior and his or her effectiveness

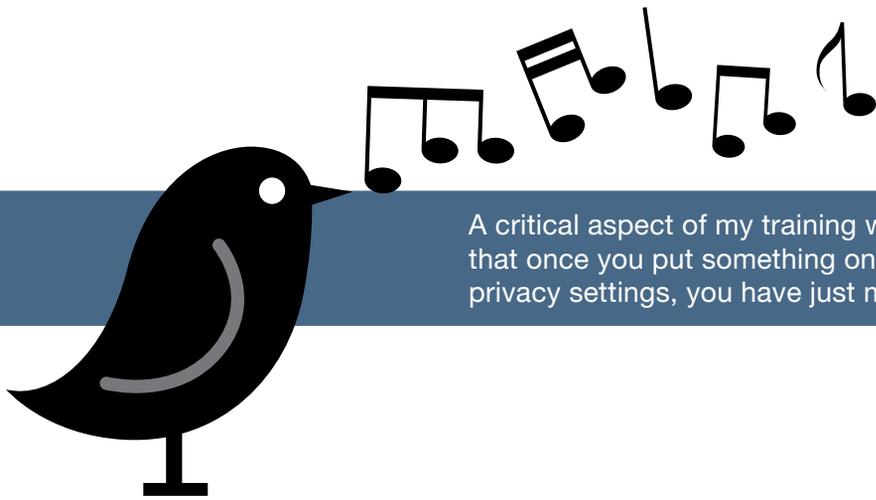
- The behavior causes or could cause a disruption to the educational process
- The behavior is considered damaging to the school’s reputation

If a teacher is on a continuing contract, one of the final three other factors typically needs to be present to discipline a teacher. But if you don’t have a continuing contract, you don’t get much margin for error.

The courts have weighed in on this relatively new phenomenon as well. In 2008, teacher Jeffrey Spanierman was dismissed for postings on his MySpace page and filed suit against the school system (*Spanierman v. Hughes*, 576 F. Supp. 2d 292, Dist. Court, D. Connecticut 2008). Spanierman was a nontenured English teacher who decided to create a MySpace page to keep in touch with several of his students at Emmet O’Brien High School in Ansonia, Connecticut, USA. Many young teachers have a difficult time striking the balance between teacher and friend, and sometimes they blur the lines. The school board determined that Spanierman crossed the line when he engaged in “peer-like” exchanges with students. After viewing the evidence, the court concluded that “such conduct could very well disrupt the learning atmosphere of a school, which sufficiently outweighs the value of Plaintiff’s MySpace speech.” Spanierman’s dismissal was upheld.

Another case that intrigued me quite a bit is currently unresolved. In 2009, Ashley Payne was a nontenured second-year English teacher at Apalachee High School in Winder, Georgia, USA. Like many young professionals, she decided to spend her summer vacation traveling in Europe. Upon returning to the United States, she posted 700 photos; none of them were salacious in any way, but 10 showed her in various drinking establishments. She also mentioned in a post that she was going to a local bar to play a popular game called “Crazy B\*\*ch Bingo.” One morning early in the school year, Payne’s principal received an email from a presumed parent claiming that her child saw the photos and the slang term, which prompted the child to use the word. The email contained some of the photos and the post with the slang term. When Payne arrived at school that day, her principal confronted her, and she subsequently decided to resign rather than face a suspension.

Further investigation revealed that Payne’s Facebook page was never accessible to her students or parents, and the email address that was used to report Payne was bogus. The speculation is that this young teacher was sabotaged by a disgruntled friend. Nonetheless, she lost her job and is currently fighting in court, claiming she was denied due process.



A critical aspect of my training was to make my staff aware that once you put something on the internet, regardless of your privacy settings, you have just made your private life public.

### Time for Training

It became obvious to me that many teachers are under the impression that their private behavior on social networking sites has no bearing on their jobs. The incidents described in this article prove that assumption false. I wanted to make sure that the teachers in my school district knew the facts.

I decided to explore what other school systems are doing regarding teachers and online social networking sites. I discovered that school districts are often slow to respond to this predicament, but some have taken charge:

- The Granite School District in Salt Lake City, Utah, USA, offers guidelines that do not prohibit teachers from using social networking sites, but students are not allowed to access teachers' personal sites. The guidelines also make it clear that there is no expectation of privacy when teachers are using district-owned equipment, on or off contract time, and forbid the use of personally identifiable student information on personal sites.
- In its *Guidelines for Employees Who Participate on Social Media Web Sites*, Lee County Public Schools in Florida, USA, calls it inappropriate for teachers to communicate with students or friend them via personal social networking sites and warns teachers to be thoughtful when posting items and photographs, because they may be offensive to others.
- In response to cases involving teacher sexual misconduct, the

Commonwealth of Virginia, USA, drafted state guidelines that would prohibit teachers from texting students, interacting one on one with them through personal social networking sites, or accepting invitations from them to interact privately through texting or personal social networking sites. These guidelines created a significant uproar, and the final guidelines were much less restrictive.

When my colleague sent that email to me two years ago expressing concern about our co-worker's postings on Facebook, I was naïve. After educating myself, I've become convinced that schools must offer some form of training to teachers before we lose too many. The last thing I'd want is for any of my staff members to get suspended or lose a job because they weren't aware of the pitfalls of social networking sites.

With that goal in mind, I set out to make my staff aware of the issues that teachers around the globe face as a result of information and images they post, or have posted about them, on social networking sites, such as Facebook and MySpace.

A critical aspect of my training was to make my staff aware that once you put something on the internet, regardless of your privacy settings, you have just made your private life

public. That said, the point was not to condemn social networking sites or scare anyone. In fact, although some participants expressed frustration with what they felt was a "Big Brother" presence, I made it clear to my staff that the cases I presented were all initiated by private citizens or journalists, not by the government or school administrators.

In addition to referring to the incidents and cases mentioned previously, the training included these main points:

- Teachers who are not on a continuing contract are especially vulnerable.
- Behavior outside of school, online or not, can be cause for suspension or dismissal if the behavior diminishes instructional effectiveness or creates a disruption at school.
- Keeping your online social networking site private does not guarantee privacy.
- Friending students can appear to create an inappropriate teacher-student relationship.
- The language you use in your social networking postings can be misinterpreted.
- Photographs, even if they are innocent in intent, can also be misinterpreted.

After the awareness session, I had my staff complete an "I Used to Think/ Now I Think" activity by writing what

Teachers who are not on a continuing contract are especially vulnerable.



they used to think about using social networking sites on one side of an index card and, on the other side, what they now think as a result of the awareness training. Since questions still remained after my awareness training, I created a frequently-asked-questions document based on the index cards and made it available to my staff.

These quotes are just a few of the many that participants wrote on their index cards that demonstrate their new level of awareness:

- “I used to think my social activities, as long as they were legal, were my own business and did not affect my job or reputation. Now I think I have to be more careful and aware of how others can misuse or take things out of context.”
- “I used to think you had to be careful about what you put on social networking sites. I now believe you have to be extremely cautious of what you put because even the most private settings might not make you safe.”
- “I used to think our private lives were our lives as long as it wasn’t publicized. Now I think that is not the case; even in private we have to be careful.”
- “I used to think my social and professional lives were totally separate (as long as they don’t negatively impact each other). Now I think that they’re not. It seems I have to be extra cautious because things can be easily taken out of context. Sadly.”

Based on the feedback I received, I believe my staff has a heightened level of awareness that will help keep them

socially active and happily employed. And I hope this article will stimulate other concerned educators around the globe to initiate awareness training in their parts of the world.

### Resources

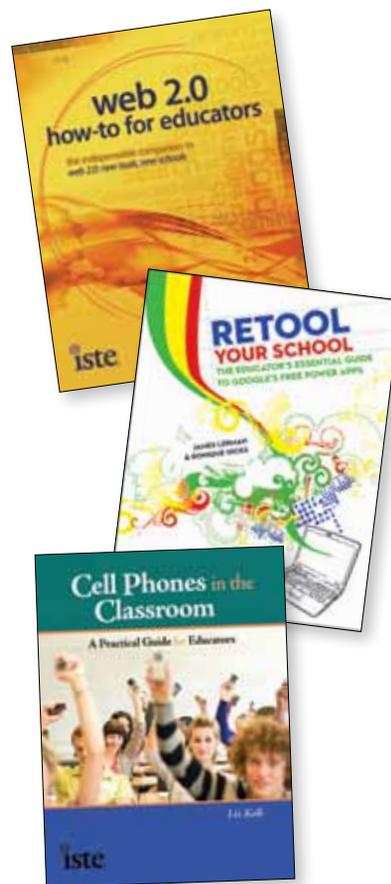
- “Barrow Teacher Done In by Anonymous ‘Parent’ E-Mail about Her Facebook Page” by Maureen Downey, November 13, 2009, *Atlanta Journal Constitution*: <http://tinyurl.com/42xmfd>
- “Employee Uses Racial Slur in Facebook Profile: Can You Fire Her?” by Ann Doss Helms (November 12, 2008), *Charlotte Observer*: <http://tinyurl.com/3hf4htz>
- “Faculty on Facebook: Privacy Concerns Raised by Suspension” by Jack Stripling (March 2, 2010), *USA Today*: <http://tinyurl.com/ya6mteb>
- Granite School District Networking Policy: <http://tinyurl.com/3zh5ox4>
- “Pennsylvania School District Settles Suit by Teacher Suspended over Facebook Photo of Her with Male Stripper” by Joe Mandak (August 17, 2010), Legal Clips: <http://legalclips.nsba.org/?p=1650>
- Press release, Lee County Public Schools: <http://tinyurl.com/3fc99l2>
- “Teacher Is Suspended for Jibe on Facebook about Her Class” (August 1, 2009), Mail Online: <http://tinyurl.com/4xafcak>
- “Teacher Placed on Leave for Questionable Facebook Posting,” WKOW: [www.wkow.com/global/story.asp?s=9781795](http://www.wkow.com/global/story.asp?s=9781795)
- “Teacher Ready to Move beyond Suit” by Merritt Melancon (August 29, 2010), *Online Athens*: [www.onlineathens.com/stories/082910/new\\_701567572.shtml](http://www.onlineathens.com/stories/082910/new_701567572.shtml)
- Virginia Board of Education Agenda, January 1, 2011: <http://tinyurl.com/3gd8raq>
- Westlaw: <https://web2.westlaw.com>



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