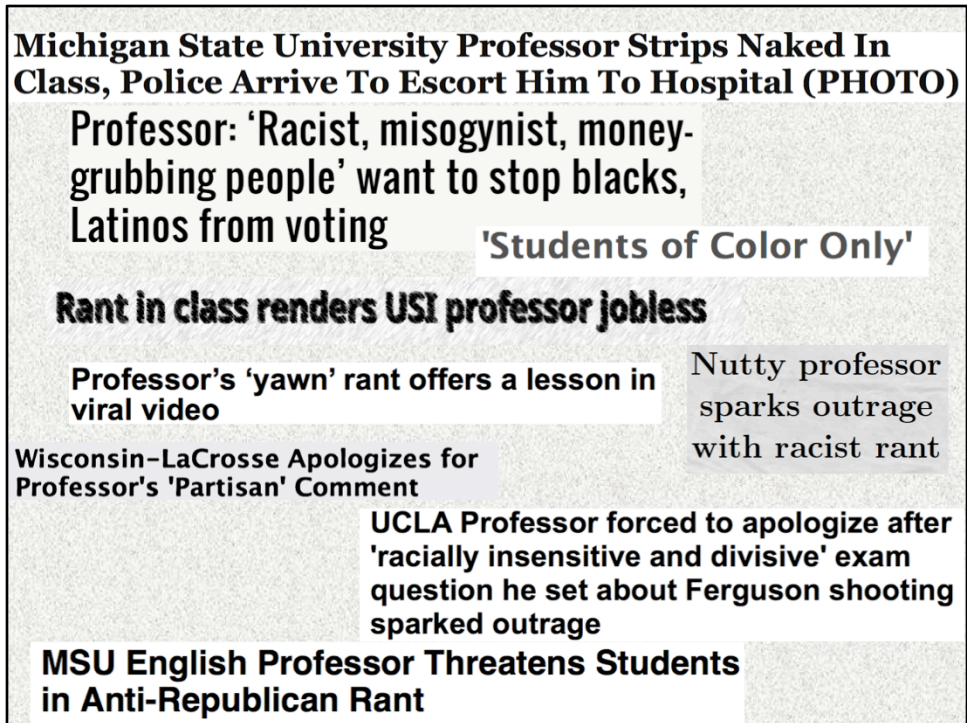


# SOCIAL MEDIA, PRIVACY, AND THE ACADEMIC CLASSROOM

Julia Frankosky, Michigan State University  
LACUNY Institute, May 8, 2015



It seems that every time I turn on the news or visit a news site, I see stories about some controversy or another going viral on social media. Politicians, celebrities, regular people, and even academic institutions are not immune to being the victim of these viral stories. When it comes to viral stories related to academic institutions, they often involve some sort of controversy related to written or verbal statements by teaching faculty. In the past, discussions that happened in the classroom, predominantly stayed within the campus community unless they were especially egregious. But now with the proliferation of online means of communication and smart phones, with their ease of recording audio and video and posting on social media sites like Facebook, Reddit, Twitter, etc., it now seems that anything said in class is fair game to end up a national and international news story thanks to the internet.

## **'Stupid and Racist': Video captures professor ranting against Republican Party**

**University of Southern California**

## **Professor: 'Racist, misogynist, money-grubbing people' want to stop blacks, Latinos from voting**

**Eastern Connecticut State University**

## **MSU English Professor Threatens Students in Anti-Republican Rant**

Video shows professor berating Republicans; calls them 'dying white people'

**Michigan State University**

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."

The world of academia is known for being a melting pot of ideas, a place for open discussion, critique and sometimes 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. However, this is one way instructors employ to get students to start thinking for themselves, questioning authority, to paraphrase Timothy Leary. Within the scope of the curriculum, instructors have an expectation that they can freely make comments that could be controversial, but that 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 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 within the scope of course content, they expect to be able to freely discuss and lecture, without fear of possible repercussions.

## 'Students of Color Only'

Texas Christian University

Nutty professor  
sparks outrage  
with racist rant

University of Sydney

**UCLA Professor forced to apologize after  
'racially insensitive and divisive' exam  
question he set about Ferguson shooting  
sparked outrage**

University of California – Los Angeles

Politics isn't 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 from a faculty member at Texas Christian University which asked that "only students of color" come to a study session to discuss their experiences and difficulties at college life as a minority because the faculty generated the list of students to email by looking at their last names on his roster. The University of Sydney made headlines because of racist comments made by a faculty member in email exchanges to colleagues about the aboriginal population of Australia. And from UCLA, this law faculty member 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.

## **Professor's 'yawn' rant offers a lesson in viral video**

Recorded meltdown a reminder that embarrassing behavior can be seen around the world in an age of video lectures

**Cornell University**

## **Michigan State University Professor Strips Naked In Class, Police Arrive To Escort Him To Hospital (PHOTO)**

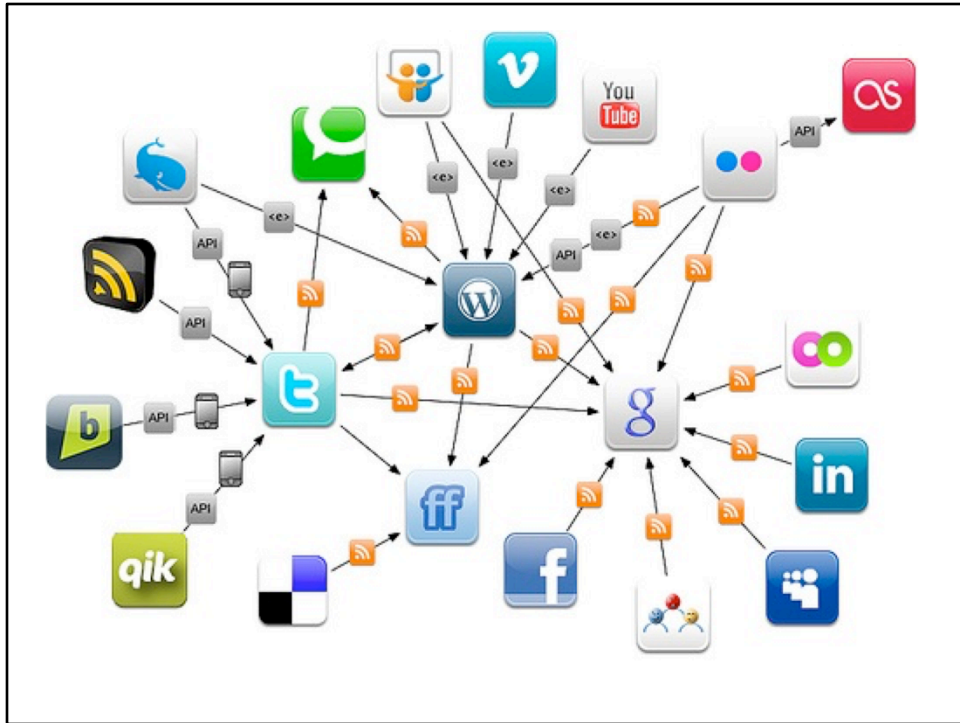
**Michigan State University**

Sometimes, the stories that go viral deal with more unique situations, usually caused by stress and frustration felt by the faculty member. The first example is from Cornell University and was involved a student's recording of a professor's angry rant at the class and at one individual who had been habitually yawning disruptively the entire semester. The second incident is about a math professor at Michigan State University who suffered a nervous breakdown during class, ranted about computers and his wife, and stripped naked.

All of these examples from the news are unfortunate and could 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. In the most severe instances, the faculty may even be terminated. 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. 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.



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. We have an obligation as educators to encourage free thought and expression but this can be a scary 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're teaching controversial topics, when we're caught up in worrying about our careers and how we could end up haunted by a statement?



## Policy Creation

Protecting academic discourse and classroom privacy

In an effort to combat these fears and help classrooms to 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 in place to promote intellectual freedom and privacy. Many institutions have not yet formally adopted such policies, but more are working on developing recommended language probably motivated by many of the news stories I highlighted earlier.

## Motivators

©opyright  
Intellectual Property  
Privacy

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 their 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, the rights holder loses when of their rights protected by law.

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, but more likely it's 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 to not just 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 prospects that classes might be recorded or the possibility

## University of Virginia

- respect the integrity and effectiveness of the classroom experience;
- protect students and faculty dignity and privacy;
- respect faculty and University rights in instructional materials
- comply with copyright law

The University of Virginia's policy forbids "recording and transmission of classroom lectures and discussions by students without written permission" from the instructor and with advance 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 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.

## Hope College

- promote student learning
- differentiate between public and private space
- create a safe classroom environment
- respect individual privacy, provide for informed consent
- consider potential consequences from distribution of such materials

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 ok'd 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.

## Minnesota State University, Mankato

- Recorded materials must be destroyed at the end of the course
- Unauthorized sharing/distribution of recorded materials or using information for non-educational purposes violates this policy
- This policy serves to **preserve a balance of intellectual property rights of the faculty member and the privacy rights of the students present in the classroom...**

At Minnesota State University, Mankato, their policy 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 to protect the intellectual property rights of the faculty who developed the material, as well as the privacy rights of the students in the class who may be captured in the recordings.

## Penn State University

“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 any statements made will be used for inappropriate purposes and, thereby, enhances learning.”

Penn State University has a similar policy to the other examples. Instructor approval is required 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.”

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.

If your institution has not adopted such a policy, you as an educator always have the

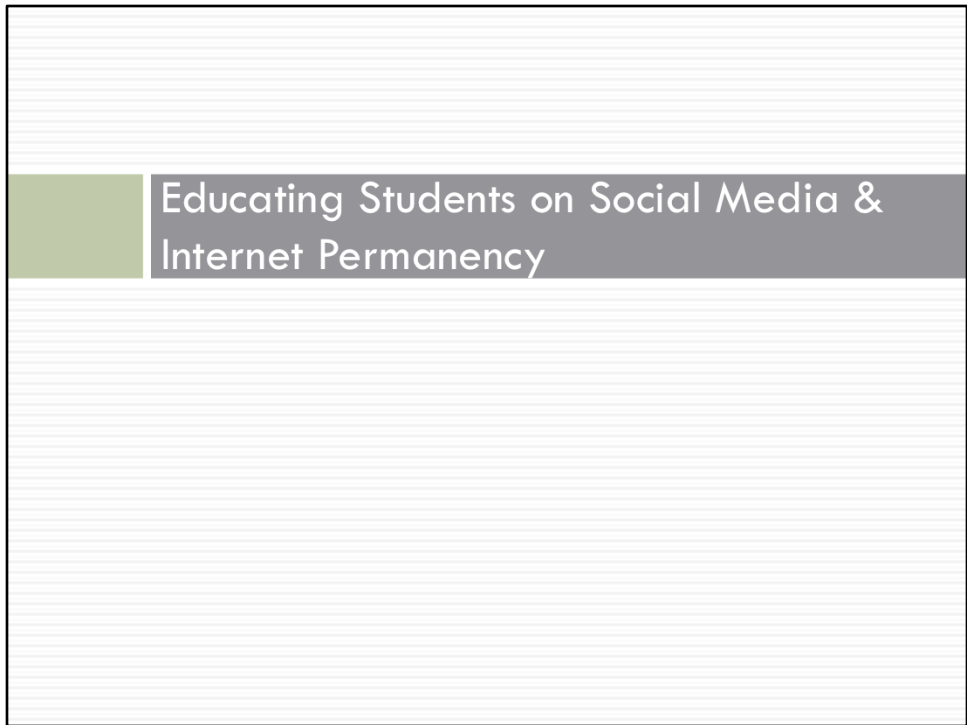
## Is enforcement feasible?

And other questions

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.

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?

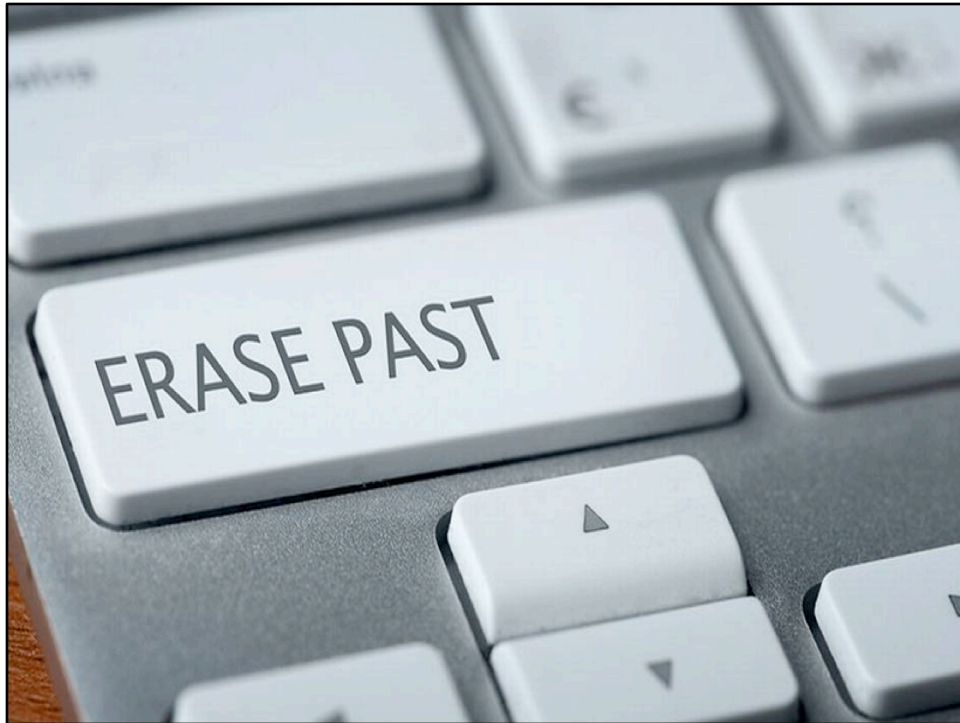
At the institutions with policies in place, if there is a violator and the situation makes headlines for the severity in occurrence, can and would the institution enforce any penalties against the student who served as a whistleblower? Would the institution want to deal with the fallout and additional bad publicity from not only an embarrassing event involving a faculty member but also the negative publicity of



Two of the newsworthy incidents happened at my home institution, 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.”

Librarians and other educators can and should consider borrowing this idea and instructing students on social media and the permanency of what they post on the internet. A formal class doesn’t need to be created, as you can instead try to work it into your instruction sessions or create a special workshop to educate students on these issues. You can couch it is building your professional brand or how to market yourself. Too often, students are so caught up in the now that they don’t really think about how what they post on social media is going to haunt 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’s helpful to remind students of this fact and that



One last thing that I want to mention is the Right to be Forgotten movement that is sweeping across Europe and Argentina, and gaining traction in the U.S. 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. So unless this movement becomes standard internet policy, it's a good idea to continue to teach students about how little privacy exists on the web.

## News Stories

- [Nutty Professor Sparks Outrage with Racist Rant](#)
- [Michigan State University Professor Strips Naked in Class, Police Arrive to Escort Him to Hospital](#)
- [Professor: 'Racist, misogynist, money-grubbing people' want to stop blacks, Latinos from voting](#)
- [MSU English Professor Threatens Students in Anti-Republican Rant](#)

## News Stories

- [Professor's Yawn Rant Offers a Lesson in Viral Video](#)
- [Rant in Class Renders USI Professor Jobless](#)
- ['Students of Color Only'](#)
- ['Stupid and Racist': Video captures professor ranting against Republican Party](#)

# Policies

- [Hope College Classroom Recording Policy](#)
- [Penn State University Recording of Classroom Activities and Note-Taking Services](#)
- [University of Minnesota, Mankato Recording of Classroom Lectures and Materials](#)
- [University of Virginia Recording of Classroom Lectures and Distribution of Course Materials by Students](#)