

Social Media Ethics: The Rights of the Student in Public Schools

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As our society moves farther into the 21st century, education and technology are becoming increasingly more integrated. Middle and high schools across the country are creating technology initiatives designed to bring personal computing to every student through the use of tablets and/or laptops. As the potential for digital learning increases, however, so does the concern for students' use of technology both in and out of the classroom, as more and more students are gaining quick access to social media sites such as Facebook and Twitter. One controversial issue has been central to the technology debate over the last few years: while there are concise laws regarding cyber bullying from one student to another, there is no set standard to the extent that school districts are allowed to intervene on students' online activity when posting comments about teachers or administrators on social media.

In past cases involving the freedom of speech in public schools, judges often refer to *Tinker v. Des Moines School Dist.*, a U.S. Supreme Court case in 1969 that has since set the standard for students' freedom of expression. The Court ruled that state-operated schools "...do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State." (*Tinker v. Des Moines*) This statement by the Court guarantees that even while students are on school grounds, school officials have limited control over students' rights as U.S. citizens. It should follow, then, that students' off-campus rights should not be infringed upon by school officials. In the case of

free speech and social media, the ruling of *Tinker v. Des Moines* indicates that schools have no right to punish or reprimand students for opinions posted to social media outside of the school environment, so long as the opinions are not disruptive or threatening.

Although school districts have limited control over students' rights on school grounds, there are still methods available to prevent controversial internet use on campus. A 2012 case in the Minnesota Supreme Court, *Tatro v. University of Minnesota*, ruled that an institution has the right to reprimand students for conduct on the internet so long as there is documented consent on behalf of the student to do so. In this instance, Amanda Tatro, a Mortuary Science student at the University of Minnesota, had created several Facebook posts about a cadaver she was working on. The university reprimanded Tatro for her actions, arguing that she had signed forms stating that she "understood and [had] agreed to comply with the program rules, as well as 'additional laboratory policies' stated in the course syllabus...The anatomy lab rules allowed 'respectful and discreet' '[c]onversational language of cadaver dissection outside the laboratory,' but prohibited 'blogging' about the anatomy lab or cadaver dissection." (*Tatro v. University of Minnesota*) The Minnesota Supreme Court ruled that the University had the right to reprimand Tatro for her actions due to the unique circumstances of the Mortuary Science program that Tatro had signed off on. It is reasonable that this court ruling can be applied to public K-12 schools in an effort to control students' on-campus internet use. Many public schools already implement an internet use policy for the school network—some sort of signed contract from the student in which the student agrees to comply with the school's rules of internet conduct while using the network. The policy would not completely strip a student of their First Amendment rights; however it would create a broad guideline regarding what would and would not be acceptable use of the school network. If a school district were to impose such a policy as a requisite for school

internet use, it would give school officials the ability to monitor and regulate student internet behavior on campus. Admittedly, an internet use policy would not fully regulate all on-campus internet activity, as some students could still post to social media using a smart phone on a cellular network. However, it may be possible to further create school policies to regulate phone use during school hours.

This paper has argued thus far that students using social media have full First Amendment rights outside of the school environment, and *reasonably* reduced internet expression rights on school grounds should the proper documentation exist allowing school officials to regulate communications. In these situations, it has been assumed thus far that the internet posts in question are not harmful, threatening, or disruptive to the school environment. Internet communication that is intended to be malicious or disruptive, however, is not an appropriate use of First Amendment rights. Legal standards regarding the abuse of expression on school grounds have been in place since a 1966 case in Mississippi—if the freedom of expression of a student leads to a disruption in the school environment, then it is the right of school authorities to take appropriate measures to maintain order. (*Blackwell v. Issaquena County Board of Education*)

In today's digital era, the distinction between freedom of expression and the abuse of expression is often unclear; therefore in order to define the rights of the school district to interfere with students and social media, we must first define what could be considered a “disruptive” act on the part of the student. In my opinion, disruptive social media can only be considered such if there was clear intent to disrupt on the part of the person posting. This is an important distinction to make, as oftentimes information posted on the internet is spread and taken out of context faster than could be anticipated. Such was the case for Reid Sagehorn, a

former Rogers High School student. Sagehorn posted a two-word tweet, intended to be sarcasm against an allegation that he had had an affair with a 28-year-old teacher. (*Star Tribune*, 17 June 2014) It goes without saying that it can be difficult to interpret sarcasm and satire in a social media setting, and in Sagehorn's case, the sarcastic response earned him a two-month suspension from school. Perhaps sarcasm was not the correct way to dodge such lofty allegations; nevertheless Sagehorn believed his tweet to be humorous and assumed it would not cause disturbance at Rogers High School. It is situations like these where a clear definition of student disruption is essential—although Sagehorn ultimately disrupted the Rogers school environment, there was no malicious intent on his behalf when he sent the tweet. Sagehorn's actions, therefore, can be defined as a *misuse* of the freedom of expression, rather than an *abuse* of it.

In conclusion, it is my opinion that students have the full right to the freedom of expression on social media, especially if they choose to post non-harmful, non-disruptive material to social media outside of the school campus. While on school grounds, students maintain the right to expression; however the privilege of using school technology as a means of expression may be subject to discretion by the school district, which may impose reasonable rules of conduct in order for students to access school technology and/or the school network. Should a situation arise in which a student's posts to social media cause a disruption in school proceedings, a thorough investigation should be conducted before reprimanding the student for their behavior—if there is no clear malicious or disruptive intent inherent within a post, it should not be assumed that the student created the post to cause a disturbance.

Works Cited

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