



BOARD OF REGENTS

SUMMARY OF ITEM FOR ACTION,
INFORMATION OR DISCUSSION

TOPIC: Policy on Student Social Media Privacy

COMMITTEE: Committee of the Whole

DATE OF COMMITTEE MEETING: November 1, 2013

SUMMARY: As required by the Joint Chairmen's Report, 2013 Session, the Committee of the Whole is receiving a proposed policy on student social media privacy. The JCR noted, "Several institutions in other states have employed companies that monitor the social media activity of student-athletes after the National Collegiate Athletic Association accused an institution of not discovering violations because it was not vigilant in monitoring student-athletes' social media activities. Monitoring these activities raises several legal issues and concerns." Subsequently, the committees requested that the governing boards of the University System of Maryland, Morgan State University, and St. Mary's College of Maryland establish a policy limiting the monitoring of students' social media activities.

The Office of the Attorney General drafted the proposed policy. The System's provosts, presidents, and Chancellor's Council have reviewed this draft and have noted no objections.

ALTERNATIVE(S): The Committee may choose not to approve the proposed policy or may recommend edits to the proposed policy.

FISCAL IMPACT: There is no fiscal impact associated with this policy.

CHANCELLOR'S RECOMMENDATION: That the Committee of the Whole approve the policy to meet the requirements of the JCR request.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE: 11-1-13

SUBMITTED BY: Janice Doyle, jdoyle@usmd.edu 301-445-1906

Policy on Student Social Media Privacy

DRAFT – 10/22/13

I. Purpose

The purpose of this Policy is to limit the extent to which University employees may monitor student Social Media activities.

II. Definitions

- A. “Access Information” means a user name, a password, log-in information, an account name, or any other security information that protects access to a student’s Personal Social Media Account.
- B. “Personal Social Media Account” means an account that is opened and maintained by an individual without the assistance of University resources. Personal Social Media Account does not include an account that is opened on behalf of, or owned or provided by an educational institution.
- C. “Social Media” are media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques online. Examples include but are not limited to: LinkedIn, Facebook, Twitter, YouTube, Flickr, iTunes U, Second Life, and MySpace.

III. Institutional Social Media Privacy Policies

Each institution shall adopt and publish policies prohibiting the following conduct:

- A. University employees shall not require, request, or suggest that a student or prospective student disclose Access Information.
- B. University employees shall not require that a student or prospective student change the privacy settings on a Personal Social Media Account.
- C. University employees shall not require a student or a prospective student to designate a University employee or an agent of the University as a “friend,” a “follower,” or any other designation that would afford the

employee or the agent access to the student's Private Social Media Account.

- D. University employees shall not require a student or a prospective student to log onto a Private Social Media Account in the presence of a University Employee or an agent of the institution so as to provide the institution access to the student's Private Social Media Account.

IV. Discipline

University employees shall not suspend, expel, discipline, or otherwise penalize a student or a prospective student for refusing to comply with any of the prohibited conduct set forth in Section III of this Policy.

V. Limitations

This Policy shall not do any of the following:

- A. Affect an institution's rights to use publicly accessible Social Media information.
- B. Affect an institution's rights to use Social Media information that has been voluntarily produced to it by the student or a third party.
- C. Prevent a University employee from requesting or requiring to see content on a student's Private Social Media Account for the purpose of fulfilling obligations imposed by federal or State law or conducting regulatory compliance investigations (e.g. Title IX obligations to investigate sexual harassment).
- D. Impede an institution's rights to investigate significant health and safety threats.
- E. Prevent the institution from obtaining Social Media information from student employees for any lawful reason.