



BOARD OF REGENTS
SUMMARY OF ITEM FOR ACTION,
INFORMATION, OR DISCUSSION

TOPIC: Revisions to Board of Regent Policy on Student Social Media Privacy Policy (V-1.20)

COMMITTEE: Education Policy and Student Life

DATE OF COMMITTEE MEETING: September 4, 2014

SUMMARY: In November 2013, the Board of Regents approved a policy on Student Social Media Privacy. Shortly after it was passed, members of the Academic Transformation Advisory Council (ATAC) and other stakeholders noted issues with the policy; primarily that the language is so restrictive that it effectively prevents even legitimate academic uses of social media --both inside and outside the classroom. Problems include, but are not limited to:

- “Access information” that the policy directs is not to be shared includes usernames. Protecting students’ passwords is reasonable, but usernames are often the way people connect to each other on social media.
- Social media is not well defined.
- The policy should allow the sharing of public information.

In an effort to accommodate all the uses for social media within the academic context —while preserving the privacy of students— this revised draft has been developed by ATAC and reviewed by the presidents, provosts, vice presidents for student affairs, chief information officers, Academic Affairs Advisory Council, USM Student Council, Council of University System Faculty, and the Office of the Attorney General. Although no major objections were voiced, feedback was incorporated where appropriate.

The following documents are attached: the current policy, a track-changed version of the current policy, and a clean version of the proposed policy.

ALTERNATIVE(S): The Committee could choose to not recommend approval these amendments or could recommend changes.

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

CHANCELLOR’S RECOMMENDATION: That the Committee on Education Policy and Student Life recommend that the Board of Regents approve amendments to the Policy on Student Social Media Privacy (V-1.20).

COMMITTEE RECOMMENDATION: Approval

DATE: September 4, 2014

BOARD ACTION:

DATE:

SUBMITTED BY: Joann A. Boughman 301-445-1992

jboughman@usmd.edu



UNIVERSITY SYSTEM OF MARYLAND

V-1.20 – POLICY ON STUDENT SOCIAL MEDIA PRIVACY

(Approved by the Board of Regents, November 1, 2013)

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.

V-1.20 – POLICY ON STUDENT SOCIAL MEDIA PRIVACY
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I. PURPOSE

This policy recognizes the importance of privacy in a student’s personal activities involving the use of social media. It also recognizes that the use of social media by University employees plays a valuable and appropriate role in academic and career-based activities to the benefit of students. The purpose of this policy is to set forth appropriate rules to protect student privacy interests while permitting the use of social media for academic and career-based activities.

II. DEFINITIONS

- A. “Non-Public Access Information” refers to the security information required to access a student’s Personal Social Media Account. Examples include: passwords, log-in information or other private and confidential information required to gain access to a social media account.
- B. “Personal Social Media Account” refers to a social media account that allows social interaction and dissemination of information to others, created and maintained by a student exclusively for private use. It does not include:
 - 1. an account on a social media platform owned or provided by an educational institution;
 - 2. an account on a social media platform created by a student specifically for academic or University-assisted career-based activities; or
 - 3. an account that would otherwise qualify as a Personal Social Media Account under this definition but that the student uses, at his or her own election, for academic or career-based activities.
- C. “Social Media” are internet-based applications that enable users to participate in social networking by exchanging content with other users. Examples of “social media” include but are not limited to: LinkedIn, Facebook, Twitter, YouTube, Flickr, Instagram, Tumblr, and Vine.

III. INSTITUTIONAL SOCIAL MEDIA PRIVACY POLICIES

Each institution shall adopt and publish policies that comply with the Family Educational Rights and Privacy Act (FERPA) and include the following provisions;

- A. University employees shall not require, request, or suggest that a student or prospective student disclose Non-Public Access Information pertaining to their Personal Social Media Accounts.
- 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 Personal Social Media Account.
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Personal Social Media Account in the presence of a University employee or an agent of the institution.

E. University employees shall not require that a student provide names of the social media platforms that he/she employs.

IV. DISCIPLINE

University employees shall not suspend, expel, discipline, or otherwise penalize a student or a prospective student for refusing to provide information in response to a request that is prohibited under Section III of this Policy.

V. LIMITATIONS

This Policy does not prohibit the following activities:

A. University employees may require a student to access a social media account, share information from a social media account, or create a (generic) social media account as part of a required or optional academic assignment or career-based activity provided that:

1. The student has the option, at his or her own election, to complete the assignment or activity by using an existing Personal Social Media Account or by creating a generic social media account;
2. access is limited to the academic or career-based activity;
3. the student is not required to provide Non-Public Access Information;
4. the academic or career-based activity is designed and administered in a manner that is consistent with the institution's FERPA obligations.

University employees are encouraged to obtain unit-level approval before instituting academic or career-based activities involving access to such accounts. In addition, University employees are encouraged to provide notice to students, in syllabi or other relevant written publications, when use of such accounts is required.

B. University employees may request a student to allow them to see content on the student's Personal Social Media Account for the purpose of fulfilling University obligations under federal or State law, such as when conducting regulatory compliance investigations, e.g., Title IX. Campuses should have documented procedures for this exception to this policy.

C. University employees may access Personal Social Media Account information that has been voluntarily provided to them by a student or a third party.

D. University employees may access publicly accessible information relating to a student's Personal Social Media account.

E. University employees may access information from a Personal Social Media Account to investigate significant health and safety threats.

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DRAFT – August 19, 2014

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