

An Examination of Social Media Policy for Educators
in the Commonwealth of Virginia

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ABSTRACT

This study investigated the presence and content of school policies used by Virginia school divisions to address issues arising from educators' use of social media. The study also explored Virginia school divisions' policy implementation practices and resolutions for educators' social media use issues. Survey response analysis and policy review are combined to define: 1) Virginia school divisions' experiences with educators' inappropriate use of social media, 2) how Virginia school divisions are addressing educators' social media dilemmas and 3) the characteristics of school policies used to address social media issues in Virginia.

The findings indicate that while 90% of respondents are concerned about the dilemmas created by educator social media use, 89% report having effective policies in place to address these issues. Responding Virginia school divisions are using Acceptable Use Policies (98%), Code of Conduct policies (54%) and Social Media policies (32%) to address educators' social media issues. The most common reported infractions are unprofessional comments. Most teachers sanctioned for online conduct are disciplined through reprimand (written and verbal) by school system administrators.

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GENERAL AUDIENCE ABSTRACT

Social media has become a part of daily life for many people. People communicate about life events, daily happenings, and personal thoughts through various forms of social media (Facebook, YouTube, and Twitter). When educators share personal or work related news through social media there can be professional consequences. When social media sharing gains negative public attention school divisions act to protect the school community.

This study surveyed all school division superintendents in the Commonwealth of Virginia to find the types of social media issues that have occurred with educators and how such matters are handled. Survey responses were received from every region in the Commonwealth. Nearly every responding division had experienced issues with teacher use of social media. Most social media incidents creating issues occurred when teachers made comments on social media that the school divisions found inappropriate or unprofessional. School divisions generally reacted to social media issues through written or verbal reprimands to educators. A large majority of divisions relied on Acceptable Computer Use Agreements between the school system and educators to regulate and manage issues that occurred. Most school divisions reported that their school policies (including Acceptable Computer Use Agreements) were effective in handling educator social media issues.

DEDICATION

To my loving husband who has supported me in all my endeavors since we were teenagers in love, thank you for your sacrifices during this one. To my precious daughter who is the sunshine of my life each and every day. To my dad who instilled in me the value and importance of hard work. To Rex Gearheart who mentored me in my professional career as a school administrator and asked that I finish this for the both of us.

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TABLE OF CONTENTS

ABSTRACT..... ii

GENERAL AUDIENCE ABSTRACT.....iii

DEDICATION.....iv

ACKNOWLEDGEMENTSv

LIST OF FIGURES ix

LIST OF TABLES x

CHAPTER 1 INTRODUCTION TO THE STUDY 1

 BACKGROUND OF THE PROBLEM..... 1

 STATEMENT OF THE PROBLEM 4

 RESEARCH QUESTIONS 5

 SIGNIFICANCE AND PURPOSE OF THE STUDY 5

 DEFINITION OF TERMS RELEVANT TO THE STUDY 6

 ORGANIZATION OF THE STUDY 8

 LIMITATIONS AND DELIMITATIONS OF THE STUDY 9

 SUMMARY 10

CHAPTER 2 LEGAL REVIEW 11

 REVIEW OF THE LAW 11

First Amendment Free Speech Rights – The United States Constitution..... 11

First Amendment Free Speech Rights as Interpreted by the United States Supreme Court. 12

 FIRST AMENDMENT FREE SPEECH RIGHTS CASES LITIGATED IN THE SUPREME COURT 13

Pickering v. Board of Education..... 13

Mt. Healthy City School District Board of Education v. Doyle..... 15

Givhan v. Western Line Consolidated School District 15

Connick v. Myers 16

Garcetti v. Ceballos 17

Lane v. Franks 20

 FIRST AMENDMENT FREE SPEECH RIGHTS AS INTERPRETED BY LOWER COURTS POST GARCETTI 21

 SOCIAL MEDIA CASES RESULTING IN TEACHER TERMINATION/LOSS OF POSITION 22

Spanierman v. Hughes (United States District Court (2nd Circuit))..... 22

Snyder v. Millersville University (United States District Court (3rd Circuit)) 23

Richerson v. Beckon (United States Court of Appeals (9th Circuit)) 23

In the Matter of the Tenure Hearing of Jennifer O’Brien (Superior Court of New Jersey – Appellate Division) 24

Munroe v. Central Bucks School District (United States Court of Appeals (3rd Circuit)).. 24

 SOCIAL MEDIA CASES NOT RESULTING IN TEACHER TERMINATION/LOSS OF POSITION 25

Land v. L’Anse Creuse Public School Board of Education (Michigan Court of Appeals)... 25

Rubino v. City of New York (Supreme Court New York County)..... 25

 FIRST AMENDMENT FREE SPEECH AND SOCIAL MEDIA COMPLICATIONS 25

 SUMMARY 27

CHAPTER 3 METHODOLOGY 29

RESEARCH METHODS AND DESIGN	29
POPULATION AND SAMPLE OF PARTICIPANTS	30
INSTRUMENTATION	31
DATA COLLECTION PROCEDURES	32
DATA ANALYSIS	33
LIMITATIONS.....	35
SUMMARY	36
CHAPTER 4 SURVEY RESULTS AND POLICY ANALYSIS.....	38
PURPOSE OF THE STUDY.....	38
PILOT SURVEY	38
DATA COLLECTION PROCEDURES	39
SURVEY RESPONSE	40
STUDY RESULTS	41
<i>Research Question 1: How have the Courts Interpreted the Rights of Educators in Cases Involving Online Speech?</i>	41
<i>Research Question 2: What is the Experience with Educators' Inappropriate Use of Social Media for Virginia School Divisions?</i>	42
FINDINGS FOR RESEARCH QUESTION 2	49
<i>Research Question 3: How are Virginia School Divisions Addressing Educators' Social Media Dilemmas?</i>	50
FINDINGS FOR RESEARCH QUESTION 3	55
<i>Research Question 4: What are the Characteristics of Current School Policies Used to Address Social Media Issues in Virginia?</i>	55
SURVEY FINDINGS FOR RESEARCH QUESTION 4	58
WAVE 1: POLICY CATEGORIES AND NARRATIVES	59
<i>Acceptable Use Policies/Documents/Regulations</i>	59
SUMMARY OF ACCEPTABLE USE POLICIES.....	68
<i>Employee Code of Conduct</i>	68
SUMMARY OF EMPLOYEE CONDUCT DOCUMENTS	77
<i>Social Media Policies</i>	77
SUMMARY OF SOCIAL MEDIA POLICIES	83
POLICY REVIEW FINDINGS FOR RESEARCH QUESTION 4	83
WAVE 2: REGIONAL SIMILARITIES IN POLICY PRACTICES.....	84
<i>Region I – Central Virginia</i>	84
<i>Region II – Tidewater</i>	84
<i>Region III – Northern Neck</i>	85
<i>Region IV – Northern Virginia</i>	85
<i>Region V – Valley</i>	85
<i>Region VI – Western Virginia</i>	86
<i>Region VII – Southwest</i>	86
<i>Region VIII - Southside</i>	86
FINDINGS OF REGIONAL POLICY PRACTICE TRENDS FOR RESEARCH QUESTION 4	86
WAVE 3: EXAMINATION OF CROSS-REFERENCED MATERIALS	87
FINDINGS FROM CROSS-REFERENCED MATERIALS FOR RESEARCH QUESTION 4	87
WAVE 4: EXAMINATION OF STATEWIDE TRENDS- FINDINGS FOR RESEARCH QUESTION 4	87

CHAPTER 5 CONCLUSIONS, IMPLICATIONS AND RECOMMENDATIONS.....	91
SUMMARY OF THE STUDY	91
SUMMARY OF FINDINGS	92
CONCLUSIONS	94
IMPLICATIONS FOR ACTION.....	95
RECOMMENDATIONS FOR FURTHER RESEARCH	96
CONCLUDING REMARKS	96
REFERENCES.....	98
APPENDIX A SOCIAL MEDIA IN THE NEWS	103
APPENDIX B APPLICATION OF LEGAL PRECEDENT	109
APPENDIX C SURVEY.....	111
APPENDIX D ALIGNMENT OF RESEARCH QUESTIONS WITH SURVEY ITEMS	118
APPENDIX E PILOT GROUP INVITATION LETTER	119
APPENDIX F PILOT SURVEY FEEDBACK FORM	120
APPENDIX G INFORMED CONSENT PROTOCOL	122
APPENDIX H INTRODUCTION LETTER.....	124
APPENDIX I EMAIL CONTACT.....	125
APPENDIX J 2ND EMAIL CONTACT.....	126
APPENDIX K THANK-YOU REMINDER BY MAIL	127
APPENDIX L SURVEY CODE INFORMATION	128
APPENDIX M COMMONWEALTH OF VIRGINIA POLICIES USED TO ADDRESS EDUCATORS’ USE OF SOCIAL MEDIA.....	133
APPENDIX N POLICY ATTRIBUTE TABLES	159
APPENDIX O VIRGINIA STATE SUPERINTENDENT SPONSORSHIP EMAIL.....	163
REFERENCES FOR SOCIAL MEDIA APPENDIX A.....	164

LIST OF FIGURES

Figure 1. *Map of Virginia school division regions*. 40

LIST OF TABLES

Table 1 <i>Frequency of Social Media Incidents Percentage Table</i>	43
Table 2 <i>Reporters of Social Media Infractions Percentage Table</i>	44
Table 3 <i>Types of Social Media Infractions Percentage Table</i>	45
Table 4: <i>Superintendents' Ratings of Policy Effectiveness Percentage Table</i>	46
Table 5 <i>Consequences to School Division from Social Media Incidents Percentage Table</i>	47
Table 6 <i>Stakeholder(s) Knowledge of Social Media Incidents Percentage Table</i>	48
Table 7 <i>Superintendents' Level of Concern Regarding Educator Social Media Communication Percentage Table</i>	49
Table 8 <i>Methods and Frequency of Communication of Policies to Employees Percentage Table</i>	50
Table 9 <i>Review of Social Media Communications Policy with Employees Percentage Table</i>	51
Table 10 <i>How Policy Infractions are Handled Percentage Table</i>	52
Table 11 <i>Social Media Incident Resolutions Percentage Table</i>	53
Table 12 <i>Factors Considered when Determining Resolutions Percentage Table</i>	54
Table 13 <i>Policies Used to Address Social Media Incidents Percentage Table</i>	56
Table 14 <i>Online Policy Accessibility Percentage Table</i>	57
Table 15 <i>Guidelines Used for Policy Development Percentage Table</i>	58
Table 16 <i>Cross-Referenced Materials for Acceptable Use Policies</i>	61
Table 17 <i>Cross-Referenced Materials for Customized Acceptable Use Policies</i>	64
Table 18 <i>Cross-Referenced Materials for Acceptable Use Regulations</i>	66
Table 19 <i>Cross-Referenced Materials for Employee Conduct Policy</i>	71
Table 20 <i>Cross-Referenced Materials for Employee Conduct Regulations</i>	73
Table 21 <i>Cross-Referenced Materials for Relationship Boundary Policy</i>	74
Table 22 <i>Cross-Referenced Materials for Sexual Misconduct Policy</i>	76
Table 23 <i>Cross-Referenced Materials for Social Media Policy</i>	79
Table 24 <i>Cross-Referenced Materials for Social Media Regulations</i>	81
Table 25 <i>Cross-Referenced Materials for Access to Social Media Account Policy</i>	82
Table 26 <i>Virginia School Divisions' Policies Used to Address Educators' Use of Social Media</i>	88
Table 27 <i>Meaningful Policy Characteristics</i>	90

CHAPTER 1

INTRODUCTION TO THE STUDY

The use of social media by people of all ages and in all walks-of-life has extensively broadened the doorway of communication. Social media sites such as MySpace, Facebook, Twitter, and YouTube allow people to display their lives and thoughts to numerous personal, business, and relatively unknown contacts. The open communication created through social media does not always serve public employees', (i.e. 'educators') best interests in their professional pursuits. Aides, substitutes, teachers, professors and administrators have found themselves reprimanded, suspended, or terminated for their voluntary communications through social media sites. While this phenomenon is not exclusive to the field of education, this study will focus on the negative affect on careers due to the social media phenomenon as experienced by school divisions and their educators.

Background of the Problem

There have been multiple and varied reasons for consequences issued to educators for social media misuse. There are even instances in which teachers have suffered consequences for posts of others. An August 2010 article by wpxi.com news ("Settlement Reached," 2010) reported that a Pittsburgh Spanish teacher received a one-month suspension without pay after a fellow teacher posted a picture of her on Facebook with a stripper at a bachelorette party. The American Civil Liberties Union sued the school board on the teacher's behalf and achieved reinstatement, back pay, and a monetary reward.

In the last decade, there has been no shortage of news stories reporting teachers' missteps on social media sites. The range of penalties imposed upon educators for social media misuse is broad, and there is little guidance from legal precedent to help guide online behavior. An April 2008 article, (Simpson, 2008) published by the National Education Association cited several examples of teacher social media misuse across the nation:

- 1) A Broward County, Florida band director posted musings about sex, drugs and depression on MySpace. The consequence was dismissal.
- 2) A Colorado English teacher composed and posted a sexually explicit poem on MySpace. The consequence was dismissal.

- 3) A Nashville, Tennessee teacher posted “racy” photos on MySpace. The consequence was dismissal.
- 4) A Massachusetts teaching assistant posted sexually aggressive photos, videos of drinking and offensive comments on MySpace and was suspended and then fired. Reinstatement with back pay later occurred (Simpson, 2008).

In order to understand the phenomenon that educators are experiencing with social media dangers, it is important to understand the public exposure created by social media use and how it constructs an intersection of private and public domains. For more examples of media reports of teachers’ social media misuse see Appendix A.

School districts struggling with the phenomenon of social media use by educators have difficulty addressing the issues that arise from that communication. A collaborative research effort examining the practices and policies of social networking in education compiled both quantitative and qualitative data that revealed participating school administrators’ shared concerns about safety, privacy, confidentiality and inappropriate social media use (edWeb.net, IESD, MCH Strategic Data, & MMS Education, 2010). Principals participating in the collaborative study had concerns about educators mixing personal and professional information on social media sites such as Facebook and MySpace (edWeb.net, et al, 2010). The researchers reported a “noteworthy number” of principals were concerned that lack of educator professionalism, negativity and use of social networking sites had created arenas for complaints (edWeb.net, et al). The principals responding in the study deemed their school districts’ current social networking policies as either inadequate, in need of revision or nonexistent (edWeb.net, et al.).

A New York Times article (Preston, 2011) examining policies governing social media use in public school districts across the nation reported that 12 state school boards (California, Florida, Georgia, Illinois, Maryland, Michigan, Missouri, New Jersey, Ohio, Pennsylvania, Texas and Virginia) out of 50 were revising their policies in wake of social media incidents. The reactionary nature of the work was an attempt to prevent future incidents from occurring. A study of social networking policies (Benton, 2014) reported a general absence of policy or guidance with regard to social media as well as a lack of defined boundaries for public school teachers from which to make decisions about appropriate use of social media. From north to south and coast-to-coast, schools and state education authorities are realizing the need to address

the phenomenon of educators' social media communication. Increased public attention to educators' online behaviors has resulted in school districts opting for restrictive policies such as internet usage policies or acceptable technology use policies (Akiti, 2012). The acceptable use policies can be used to provide notice of expected behaviors when using technology and consequences for technology misuse (Akiti, 2012). In addition to policy efforts, there have also been legislative attempts to quell educators' social media misuse. The steps taken, in most cases, were in an effort to protect students.

Educators' sexual misconduct with students led to efforts by Missouri's state legislature to ban educators from having any non-work-related website that allowed communication with students or former students (DiMarzo, 2012). The proposed law prohibited exclusive communication between teachers and students including non-work-related websites (DiMarzo, 2012). Eventually, revisions eliminated the portion restricting teachers' interaction with students on social media. In review of Missouri's revised legislation providing that each school district promulgate written policy outlining acceptable school employee to student communications, Schroeder (2013) points out that this mandate does not provide Missouri's 523 public school districts with guidance for doing so. Schroeder (2013) also states it is not likely that individual school districts will properly balance the rights involved in light of the state failing to do so. Without guidance and direction, educators will continue to struggle in judging appropriate social media behavior. Louisiana has a similar social media ban, which is so far unchallenged, and Ohio has a comparable policy (DiMarzo, 2012).

Virginia's Board of Education (BOE) considered recommending a ban on electronic communication between educators and students. The Virginia BOE ultimately developed guidelines requiring transparency in communication between educators and students that would be accessible to parents and administrators and professional in content and tone (Virginia Board of Education, 2011). The community trusts teachers to educate, protect and instill values in the youth under their charge. Teacher behavior called into question by a community is viewed through the lens of how it might compromise the teacher's ability to meet the enormous responsibilities expected of them that go far beyond teaching curriculum.

Role model issues have long been a sticking point for teachers concerning behaviors both on and off campus. The courts have used many descriptive terms in explaining role model expectations that come with the teaching profession. In *Ambach v. Norwick* (1979), the Court

was considering role model expectations for the legal profession and used the high standard of teacher role model expectations stating that educators have the “ability to mold young minds, inculcating force as to national ideals and profound influence in the impartation of our society’s values” (441 U.S., p. 88). This was the same high standard held in *Bethel Sch. Dist. No. 403 v. Fraser* (1986) where the Court explained that teachers “demonstrate the appropriate form of civil discourse and political expression by their conduct and deportment in and out of class” (478 U.S. p. 683). The Court has also addressed teacher role model issues with regard to the importance of “minority role models” for students (*Wygant v. Jackson Bd. Of Ed.*, 1986). The power of teachers as role models was again addressed when the Court recognized that student emulation of teachers as role models could be considered a problem (*Board of Education of Westside Community Schools v. Mergens*, 1990). It is apparent that no matter where and when, teachers are considered role models in society. However, teachers whose behaviors on social media are challenged often discount the traditional role model test and allege violation of their First Amendment right to free speech.

Statement of the Problem

Social media exists in the Internet realm, which can be at most any location and at any time. Educators’ use of social media communication has placed generally private information about their lives, thoughts and opinions into a public forum. Public access to educators’ private lives has led to increased incidents of public scrutiny of educators’ behaviors. This exacerbates the problem in defining the extent of employers’ authority over employees’ behaviors within their personal lives. The media frenzies that ensue after instances of inappropriate teacher posts have districts attempting to head off bad publicity. School districts and school administrators are concerned about the potential damage to a school’s reputation once a school employee enters the public’s eye due to a social media misstep.

The Supreme Court has not accepted any cases dealing with educators’ communication on social media. Justice Kennedy explained the Court’s hesitation in his opinion in the *Ontario v. Quon* case where he cautioned judiciary not to rush to broad conclusions about privacy expectations with regard to rapidly changing technologies (*Ontario v. Quon*). Social media use by teachers has created a complex area where formerly established law is encountering new variables that could change precedents. Understanding how the law is currently applied to this

phenomenon can help policy makers write policy regarding technology issues that are ahead of guiding principles. Defining the problem and the practices used to deal with the problem can shape more effective policies and guidelines.

Public response to negative media reports of teachers' online behavior has added pressure for school divisions to monitor and address educators' social media activities. The requirement for school divisions to create their own policies necessitates that policy writers possess an in-depth knowledge of legal precedents discussed in this paper. The need to write defining policy exists despite the fact that most school policy writers may be unprepared to do so. Awareness of policy requirements and expectations can also be an issue for educators. The lack of proactive measures to educate educators makes policy guideline implementation reactionary in nature.

Research Questions

This study will undertake to answer the following research questions:

1. How have the Courts interpreted the rights of educators in cases involving online speech?
2. What is the experience with educators' inappropriate use of social media for Virginia school divisions?
3. How are Virginia school divisions addressing educators' social media dilemmas?
4. What are the characteristics of current school policies used to address social media issues in Virginia?

Significance and Purpose of the Study

The issue of privacy in electronic communications is a problem that is far-reaching and relevant to today's society. However, the use of electronic communications and social media networks have become commonplace in society as a whole and educators are finding themselves compromised professionally through their participation and use of this technology. Educators' frequent social media missteps and the lack of guiding policy make this a topic deserving closer examination.

A majority of educators reprimanded or terminated for social media issues claim a right to free speech as a defense. As demonstrated by the incidences described in Appendix A, discipline to teachers for behaviors, opinions and thoughts shared through social media occurs

frequently. Some employment difficulties for teachers come from sharing information about illegal activities, but many more difficulties come from oversharing personal information that does not violate laws but could offend sensibilities. When teachers use school property to access social media during school hours, employment difficulties can occur but many difficulties also come when teachers use personal technology during personal time. Some employment difficulties come when students or school communities are the audience. There are also many incidences where students and the school communities are not the intended audience. This complicated issue requires school authorities and educators to navigate a metaphoric minefield of potential catastrophes when determining appropriate online behavior.

Addressing social media missteps by educators has become a significant concern for school districts, school administrators and the educators themselves. A current analysis of Virginia school divisions' progress in development of policy that addresses inappropriate social media communication, as well as the divisions' struggles with the issue, would be informative to the Virginia Board of Education, Virginia's school divisions, and Virginia school boards as they consider future policy needs with regard to social media communications of educators. This study is designed to better understand Virginia school divisions' practices when dealing with the phenomenon of teacher social media use. Clear description of the problem, the practices and policies in place to address the problem could help move policy efforts from a reactive to proactive status.

Definition of Terms Relevant to the Study

Social Media

Social media refers to “forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content (such as photographs and videos)” (Social Media, 2014). Data suggest 73% of adults who regularly use the internet use social networking sites (Duggan & Smith, 2013). Duggan et al. indicate that 42% of online adults use multiple social networking sites with Facebook being the most popular choice. Specifically, this writing will define social media used in the cases reviewed herein.

Facebook

A group of five Harvard University students developed and founded Facebook. Initially membership was restricted to college students from specific universities. Since its 2008

beginning, membership has extended to the general population with restriction only to individuals under 13 years of age (Facebook, 2014). Fowler (2012) reported that Facebook has become the most popular social networking site with over 1 billion users worldwide. This report is corroborated and further specified to educators by a 2012 Survey of K-12 Educators on Social Networking, Online Communities, and Web 2.0 Tools. MMS Education (2012), who conducted the study, states that 82% of educators have joined social networks with Facebook being their most popular choice. A comparison between the 2009 version of this survey (edWeb.net, MCH Strategic Data, & MMS Education, 2009) and the 2012 survey reflects an increase in educators' concern of personal privacy. The 2012 survey included a question that addressed whether educators were fearful that their membership in social networks might lead to an incident that could jeopardize their jobs. The results for this question show that 42% of educators shared that concern (MMS Education, 2012).

Twitter

Twitter is a social networking and micro blogging site created by Jack Dorsey, Evan Williams, Biz Stone and Noah Glass in 2006 and launched later that same year (Twitter, 2014). Registered users can read or post text of 140 characters or less called "tweets". Unregistered users can only read tweets. Its membership has grown rapidly and it is one of the ten most visited websites (Twitter, 2014). Twitter ranks second of the social networking services described in this paper with 39% of educators polled reporting usage (MMS Education, 2012).

MySpace

MySpace, a social networking site, launched in 2003 and offered some of the same features as Facebook. Members can create a profile, post pictures and videos and connect with other members. There is more of a musical emphasis on the MySpace site than Facebook. Musician Justin Timberlake and Specific Media Group currently own MySpace (MySpace, 2014). MySpace ranks a distant third with 20% of educators polled (MMS Education, 2012).

YouTube

Three former PayPal employees created the video sharing site YouTube that now operates as a Google subsidiary. The site enables users to search for and view videos of interest, but only members can upload or share videos on the site (YouTube, 2014). In the MMS Education's 2012 Survey, educators indicated that they were using a video sharing web 2.0 tool for personal, professional and classroom use. The personal use percentage was highest at 19%, followed by professional use at 11% and lastly classroom use at 10% for those educators surveyed (MMS Education, 2012). While YouTube is not a social-networking site, it is pertinent to this study because of a reference, in this paper, in a case dealing with termination of employment of a teacher.

Educators use these social networking sites and tools in both their professional and private lives. The use is often intermixed and sometimes results in compromising professional responsibility.

Organization of the Study

Chapter 1 of this study introduces the topic, states the problem and provides a brief background of the problem. This chapter also states the purpose of the study and the research questions to be answered. Specific terms relevant to the study are defined. The chapter concludes with a general overview of the study by chapter.

Chapter 2 contains the literature review and case law that define the problem. In order to understand First Amendment free speech rights, as they apply to educators, a review of education related case law is conducted in Chapter 2. The literature review of litigated cases is undertaken to alert readers to the high costs that may be incurred from social media use by educators. The Supreme Court has not yet established a uniform guideline for cases involving teachers and social media. However, the Court has developed a framework regarding First Amendment free speech rights of public employees. This study reviewed Supreme Court case decisions, such as *Pickering v. Board of Education*, *Connick v. Myers* and *Garcetti v. Ceballos* (2006). Cases from lower courts were reviewed to illuminate the trend in decisions regarding public employee free speech rights as applied to cases involving teachers and social media. This section of the study promotes understanding for those establishing or revising policy as well as those affected by the policy.

Chapter 3 outlines the overall design of the study. There is a description of the survey instrument, the population and plan for administration of the survey. This section highlights the methods utilized to transmit/conduct the survey. The survey explores the phenomenon experienced by Virginia educators from social media communication. Finally, there is a description of the review procedure of each school division's website for identified policy (ies) used to address social media issues. The review purpose is to determine policy establishment and identify any themes that emerge from the review of form/content of the policies.

Chapter 4 will report the data compiled from the case review, policy review and survey to complete a picture of the phenomenon and describe Virginia school divisions' practices in dealing with the issue of appropriate social media communication by educators.

Chapter 5 will be a summary of the research with conclusions and recommendations for further study.

Limitations and Delimitations of the Study

The case review in Chapter 2 is limited to litigated cases involving educators with an emphasis on educators' social media use. It is hopeful that the case review will provide information valuable to policy makers and educators seeking understanding of how First Amendment free speech law is applied to social media situations. The United States Supreme Court has, to date, not heard any cases that meet the parameters of the described phenomenon. However, the precedents set by *Pickering/Connick/Garcetti* have established a paradigm for public employee free speech rights that lower courts are attempting to follow in their judicial decisions regarding educator online speech (see Appendix B).

The website review of policy is limited to school divisions responding to the survey who have made their policy electronically accessible. The survey data collection is limited to the school divisions within the Commonwealth of Virginia. The procedure for website review and development of the survey instrument could be used by other states to determine their respective need for social media policy development/revision. Only Virginia school division superintendents were surveyed. However, the issue of social media communication by educators' and the problems it can create is not bound by geography. Additionally, the data will be specific to the timeframe for which it is collected (December 2017 – January 2018). The accuracy of the

responses will be limited to the honesty and knowledge of the respondents, respondents' interpretation of the questions and the quality of the questions developed by the researcher.

Summary

A study describing the form and content of Virginia's guiding policy for teachers' social media use and how it is communicated to employees will help educators understand the expectations of the school, their job and ethics concerning social media use. This study examines clarity of behavior expectations as defined by the social media policies in use by each responding school division, as well as the accessibility to the policy. The policy review allows the researcher to compare and contrast school divisions' social media policy for educators across the Commonwealth of Virginia. This study reviews measures taken to create needed educator awareness of school division's social media policy.

Social media has not changed free speech rights, but the broadened ability to exercise speech in this new forum has called legal precedents into question. The law does not progress at the same rate as technology. Emerging technology, along with changing social norms, has created a grey area with regard to professional/unprofessional online behaviors (Bennett, 2015). The advancement of technology has created greater opportunity for expression with a much larger audience. The internet environment has complicated legal questions of fact such as setting of the speech, audience and existence of a relevant analogue to speech by citizens who are not government employees. It is the duty of administrators and superintendents to deal with these complicated issues. This study seeks to describe how school divisions in Virginia are dealing with the phenomenon of teacher use of social media communication, as it exists in the Commonwealth.

CHAPTER 2

LEGAL REVIEW

This chapter consists of a legal overview of First Amendment free speech rights specific to public employees and more specifically educators. The chapter begins with a general overview of the First Amendment as written in the Bill of Rights of the Constitution of the United States. The relevant legal findings of the courts follow, beginning with the Supreme Court and proceeding to lower courts. The review of court findings includes commentaries and further legal analysis of the cases from law review articles. The law review commentaries are included to provide a more informed perspective of the cases reviewed. These articles were chosen based on the topic of First Amendment free speech rights, more specifically for public employees, and most specifically, for how the law may apply to public educators using social media.

Review of the Law

First Amendment Free Speech Rights – The United States Constitution

Teachers facing consequences for speech and expression via Facebook, MySpace, YouTube and Twitter claim those consequences violate their free speech rights. This asserted right is encompassed in the First Amendment to the United States Constitution written in 1791 that reads:

*Congress shall make no law respecting establishment of religion, or prohibiting the establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances* (U.S. Const. Amend I).

Most citizens are aware that in order to preserve our democratic government as a government created “for the people” and “by the people,” the First Amendment incorporated freedom of speech into the Constitution. The First Amendment provides a guarantee of a citizen’s right to free speech in order to allow a free interchange of ideas without government interference or control. Speech categories not protected by the First Amendment are fighting words, criminal speech, true threats and obscenity (DiMarzo, 2012). The established limits on expression of speech in our free, democratic society is further explicated by Alexander &

Alexander (2012) with their explanation of speech not protected by the First Amendment being speech producing: “(1) Incitement of disruption and breach of peace; (2) Defamation; (3) True threats of violence and fighting words; and (4) Obscenity.” The first type of speech, when applied to the public school setting, would translate to “material and substantial disruption” (Alexander & Alexander, 2012).

The First Amendment restricted the federal government’s regulation of speech, not state governments’ control. It is the 14th Amendment that extended this restriction on governmental control to the state level (Alexander & Alexander, 2012):

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws (U.S. Const. Amend. XIV).

In the 1920s, courts began to apply portions of the Bill of Rights to state governments, whereas prior application had been only to the federal government. A series of such Court decisions beginning in the 1920s interpreted the Fourteenth Amendment to incorporate most portions of the Bill of Rights, thus establishing the incorporation doctrine (Wikipedia, Incorporation of the Bill of Rights). In *Gitlow v. New York*, the Supreme Court of the United States decided that the limitations on federal government regarding protection of freedom of speech also extended to state governments.

First Amendment Free Speech Rights as Interpreted by the United States Supreme Court

The incorporation doctrine made the first ten amendments to the Constitution binding on the states. Case law establishes that when a citizen is a government employee, this extension can be curtailed when interfering with the government’s effective and efficient operation (*Pickering v. Board of Education* (1968), *Waters v. Churchill* (1994); *Connick v. Myers* (1983); *Garcetti v. Ceballos* (2006); *Mt. Healthy City School District Bd. of Ed. v. Doyle* (1977); and *Givhan v. Western Line Consolidated School Dist.* (1979)). In *Waters v. Churchill* the court clearly illustrated their finding in *Pickering v. Board of Education* with this point.

The key to First Amendment analysis of government employment decision, then, is this: The government's interest in achieving its goals as effectively and efficiently as possible is elevated from a relatively subordinate interest when it acts as sovereign to a significant one when it acts as employer. The government cannot restrict the speech of the public at large just in the name of efficiency. But where the government is employing someone for the very purpose of effectively achieving its goals, such restrictions may well be appropriate (Waters, 1994).

This clearly demonstrates that government's control, as employer, is much more encompassing than its control as sovereign over general citizens. Public educators are government employees, therefore, the breadth of their free speech rights is narrowed by their employment status. The Supreme Court employs an intermediate level of scrutiny in cases involving educators (Alexander & Alexander, 2012). This level of scrutiny endows the government with significant latitude for how to deal with the interest in regulating speech of its employees (DiMarzo, 2012).

The prevalent assertion of First Amendment free speech rights by educators facing consequences for their online speech and expression would seem to indicate a perception that all online speech and expression falls within their rights as free citizens of the United States. It would also seem to indicate a lack of understanding that, due to the nature of the job, cases involving educators have more often resulted in the courts viewing teachers as public employees rather than private citizens.

As government employees, educators have First Amendment protection for speech involving matters of public concern as long as the free speech does not disrupt, but not speech of individual self-expression (*Pickering v. Board of Education*, 1968). Public affairs speech would address issues of public concern such as ideas about political or social change (*Pickering v. Board of Education*, 1968). When viewing online speech through this lens, the majority of that speech would not qualify for first amendment protection (Akiti, 2012). The Supreme Court established the public concern test in the *Pickering* (1968) case.

First Amendment Free Speech Rights Cases Litigated in the Supreme Court

Pickering v. Board of Education

The *Pickering* (1968) case became the watershed case for teachers' first amendment free speech rights by constitutional standard. This case stemmed from the dismissal of a public

school teacher after he sent a letter to a newspaper criticizing the Board of Education and the Superintendent for their handling of past revenue proposals. The Board found the publication of Pickering's letter detrimental to efficient operation of the schools of the district. The school system dismissed Marvin Pickering for writing and publishing the letter. While the Supreme Court of Illinois held that the letter was not entitled to First Amendment protection, the United States Supreme Court found otherwise:

[T]he question whether a school system requires additional funds is a matter of legitimate public concern... On such question, free and open debate is vital to informed decision-making by the electorate. Teachers are, as a class, the members of a community most likely to have informed and definite opinions as to how funds allotted to the operation of the schools should be spent. Accordingly, it is essential that they be able to speak out freely on such questions without fear of retaliatory dismissal... (*Pickering*, 1968).

The court further stated that there was no evidence that Pickering's letter had interfered with the school's operation nor the performance of his duties, and therefore the school administration had no more right to limit Pickering's contribution to public debate than it did to limit a similar contribution by any member of the general public (Alexander & Alexander, 2012). This case established a test precedent of whether a public employee spoke as a citizen on a matter of public concern; and if so, whether the public employer had a justifiable interest in regulating that speech differently from speech of a member of the general public (Alexander & Alexander). Alexander (2012) explained as follows:

The four major factors taken into consideration by the Court when balancing the right of the employee to make the speech and the right of the employer in regulating the speech were: "the degree to which the speech: (1) interfered with employee performance; (2) created disharmony among co-workers; (3) undermined an immediate supervisor's effort to maintain discipline over an employee, and (4) undermined the relationship of loyalty and trust required of confidential employees" (pp. 570-571).

This free speech protection qualification test expanded to a multi-step analysis in 1983 when combined with the Court's finding in *Connick v. Myers* (1983). Between the *Pickering* (1968) and the *Connick* decisions another case, *Mt. Healthy City School District Board of Education v. Doyle* (1977), lended itself to clarifying the reasoning in the court.

Mt. Healthy City School District Board of Education v. Doyle

The *Mt. Healthy* (1977) case concerned a non-renewal of contract complaint filed by a teacher. The teacher, Doyle, alleged that his speech on a radio talk show regarding school matters resulted in a non-renewal decision. The Court of Appeals found Doyle's speech to be protected by the First Amendment. However, the Supreme Court found for the school district with regard to the dismissal finding Doyle's speech on the radio talk show was one factor in the dismissal decision. The school district furnished several other reasons for the non-renewal of Doyle's contract, such as inappropriate behavior toward students and other staff members. The Supreme Court said Doyle's protected speech did not protect him from discipline or "prevent his employer from assessing his performance and reaching a decision not to rehire" (*Mt. Healthy*, 1977). This court decision placed the emphasis on the motivating factor for the non-renewal, not the status of the First Amendment protected speech. While both *Pickering* (1968) and *Mt. Healthy* involved issues of public criticism of school policies or procedures, another case occurred in 1979 in which the speech in question occurred in a private setting.

Givhan v. Western Line Consolidated School District

The *Givhan* (1979) case concerned the non-renewal of contract complaint of a teacher alleging infringement of her right of free speech. The teacher, Givhan, had privately voiced her concern regarding perceived racially discriminatory policies of the school district. The District Court found her speech was a matter of public concern and that the detrimental employment decision was due to Givhan's exercise of her First Amendment free speech rights. The Court of Appeals reversed this decision due to the private setting wherein Givhan voiced her concern. However, the Supreme Court held that First Amendment protection for free speech should not be dependent upon whether or not the speech was made publically. The Court said that privately made speech that is a matter of public remains a matter of public concern regardless of being made privately.

Givhan, while not as frequently cited as *Pickering* (1968), *Connick* (1983), and *Garcetti* (2006), due to the private setting of the speech, serves to clarify the Court's philosophy on the rights of public employees' free speech rights. The decision points out that the forum does not decide whether the speech is a matter of public concern, it is instead the content. The Court even

more clearly explains the principles to consider when judging public employee speech in *Connick v. Myers*.

Connick v. Myers

The *Connick* (1983) case concerned the dismissal of a public employee for disruption of the work environment, undermining authority and harming work relationships through distribution of an interoffice questionnaire. Myers had distributed a questionnaire concerning internal office matters, after being informed of an unwanted job transfer, and was later dismissed. Myers claimed the dismissal violated her First Amendment free speech rights. The Supreme Court did not find the matters addressed in the questionnaire to be ones of public concern, and stated, “whether an employee’s speech addresses a matter of public concern must be determined by the content, form, and context of a given statement, as revealed by the whole record” (461 U.S., pp. 147-148). The Court’s focus on whether the speech addressed a matter of public concern was a screening device to prevent attempts to constitutionalize employee grievances (Flynn, 2013).

Additionally, the Court stated in *Connick* (1983), “government officials should enjoy wide latitude in managing their offices without intrusive oversight by the judiciary in the name of the First Amendment” (461 U.S., p. 146). The latitude gives employers the capability to regulate public employees but does require them to do so except in limited situations (Bathon & Brady, 2010). In discussing the facts considered in their deliberations the Court remarked, “we do not see the necessity for an employer to allow events to unfold to the extent that the disruption of the office and the destruction of working relationships is manifest before taking action” (*Connick*, 1983). All of these statements by the court assist in interpreting the Court’s inclinations in public employee free speech deliberations.

In *Connick* (1983), the Court clarified that content, form and context are factors in the deliberation for free speech protection, and Schroeder (2013) articulates that the motivation behind the speech may be considered. If the speech is spoken to further a purely private matter, it is not protected even if it does involve a matter of public concern. This allows a degree of subjective analysis that makes predictive application difficult.

The combination of the Court’s findings in *Pickering* (1968), *Mt. Healthy* (1977) and *Connick* (1983) further expanded the test precedent first established in *Pickering*. The test

became three-step: 1) was the speech constitutionally protected when content, form and context were considered; 2) if so, were the defendant's actions motivated by the plaintiff's constitutionally protected speech; and 3) could the plaintiff show that his exercise of speech rights was the substantial and motivating factor in his termination (Alexander & Alexander, 2012). The lower courts began to use the Court's analysis framework, known as *Pickering-Connick*, to determine whether there had been a violation of First Amendment speech rights for public employees. (see Appendix B)

The *Pickering-Connick* analysis affords "little, if any" protection to teachers' online speech because "teachers speaking as citizens on purely personal matters are left with neither constitutional protection for their speech, nor recourse or remedy for their subsequent dismissal stemming from that speech" (Akita, 2012). The growing test for First Amendment protection continued to narrow public employees' free speech rights in 2006 with The United States Supreme Court's decision in *Garcetti v. Ceballos* adding yet more elements to overcome in the pursuit of First Amendment protection.

Garcetti v. Ceballos

The *Garcetti* (2006) case concerned dismissal of a government employee after voicing concerns to his supervisors about an affidavit he reviewed within the scope of his job duties. After being reassigned, passed over for promotion and transferred, the employee sued in U.S. District Court for the Central District of California alleging First and Fourteenth Amendment rights violations. The court concluded that Ceballos's speech was not entitled to First Amendment protection. The district attorney appealed and the Court of Appeals for the Ninth Circuit, citing *Pickering* (1968) and *Connick* (1983), reversed the decision and found the speech should be protected and that the balance fell to *Garcetti*. Certiorari was granted and the Supreme Court decision added yet another level to the public employee speech test, whether the speech made was pursuant to official duties. The Court stated, "We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline" (547 U.S. at 421).

The Court commented that *Pickering* established a balancing test for speech made as a citizen addressing a matter of public concern. The focus in their decision was whether Ceballos

made these statements as a public citizen or government employee. Justice Kennedy remarked that their decision paid particular attention to the relationship between the speaker and his employment and recognized the importance of government employers' need to manage their operations.

The Court further elucidated, "Restricting speech that owes its existence to a public employee's professional responsibilities does not infringe any liberties the employee might have enjoyed as a private citizen" (Garcetti, 2006). In an analysis of the *Garcetti* decision, Papandrea (2012) points out that the Court stopped short of explaining what it means for employees to speak "pursuant to their official duties," leaving lower courts without necessary guidance and leading to varied applications. Justice Kennedy wrote for the majority and stated that the Court had "no occasion to articulate a comprehensive framework for defining the scope of an employee's duties in cases where there is room for serious debate" because the parties did not dispute that Ceballos' speech was made pursuant to his employment duties (Garcetti, 2006).

Four justices dissented from the decision and argued that whether or not speech is made pursuant to job duties should be immaterial. Another argument posed from the dissenting faction of the Court addressed the fact that efficient functioning and policy should not outweigh speech regarding wrongdoing within a government agency (Garcetti, 2006). The 5-4 ruling and obvious dissention evidenced in the Court foreshadowed the future wide range of applications made of the *Garcetti* decision by lower courts. Justice Souter's dissent predicted that the *Garcetti* decision would invite fact bound litigation over the precise definition of official duties.

The role analysis added by the *Garcetti* (2006) decision is said to have effectively terminated protections for public employees who choose to report misconduct of his employer or report unwelcome news to his employer (Winslow, 2011). The cases of employees following the chain of command to make complaints may lose their free speech protection, while those pursuing justice through other means may retain it (Winslow).

In a policy analysis of *Garcetti's* (2006) effect on teacher's First Amendment rights with respect to blogging and social media use, Billington, Brack and Sumy (2013) quote the Court, "...it is not possible to protect public employee's right to speak their minds without creating incentives that threaten the quality of services agencies deliver to the public," (Billington, et al., citing *Wales v. Bd. of Ed. of Community Unit School District*, 1997). Billington, et al. communicate that the Court has not adequately addressed this problem. The authors suggest that

it is necessary to put employees on notice regarding online conduct considered inappropriate, as well as establishing clear expectations and ramifications of the same.

When teachers appear on social media sites, Papandrea (2012) points out that time and place issues are not easily factored into decisions with regard to the issue of whether the teacher is a public employee or private citizen. This is further complicated for educators, as the court has found “teachers do not cease acting as teachers each time the bell rings or the conversation moves beyond the narrow topic of curricular instructions,” (*Johnson v. Poway Unified Sch. Dist.*, 2012). The court, in Johnson (2012), explained that teachers are “never just ... ordinary citizens” given “the position of trust and authority they hold and the impressionable young minds with which they interact.” Further, online speech regarding work issues, such as critical comments regarding students, teachers or administrators would likely be considered as speech undermining the loyalty and trust relationships required in a teaching position and possibly reason for dismissal even if the speech could be deemed as a matter of public concern (Papandrea, 2012).

The *Pickering* (1968), *Connick* (1983), and *Garcetti* (2006) decisions established guideposts that expanded the test for First Amendment protection to a complex 5-step analysis (Alexander & Alexander, 2012).

- 1) Does the public employee’s speech fall under the auspices of their official duties, if so no constitutional protection exists (*Garcetti*, 2006);
- 2) Does the public employee’s speech, which does not stem from official duties, involve a matter of public concern that is addressed by the employee as a private citizen (*Pickering*, 1968) and *Connick*, 1983);
- 3) Does the necessity of the public employee’s speech, which is a matter of public concern and addressed as a private citizen, outweigh the employer’s interest in regulating the speech (*Pickering*, 1968);
- 4) Does the public employee’s essentially necessary speech, not stemming from official duties, but regarding a matter of public concern and spoken as a private citizen, create the motivating factor in the detrimental action taken against their employment status (*Mt. Healthy*, 1977); and,
- 5) Does the public employee’s essentially necessary speech, not stemming from official duties, but regarding a matter of public concern and spoken by the employee as a

private citizen, which created the motivating factor in the adverse employment action, demonstrate the sole cause for the adverse action (*Mt. Healthy*, 1977).

Since *Garcetti* (2006), the Court has clarified on at least one issue that sworn testimony outside of the scope of a public employee's job responsibilities is protected speech.

Lane v. Franks

In *Lane v. Franks* (2014), Justice Sotomayor's opinion of the Court restated that public employees do not give up their First Amendment free speech rights when accepting public employment and that a careful balance is necessary in determining the employee's right to speak as a citizen on matters of public concern and the government's need for efficiency of public services through the employee. The Court cited *Pickering* (1968) and clarified that public employees' truthful sworn testimony outside their normal job responsibilities and under order of subpoena qualifies as speech protected by the First Amendment.

Lane was fired from his job as director of a community college's program for underprivileged youth after his sworn testimony in a suit against an Alabama State Representative. Lane filed a retaliation in violation of his First Amendment rights suit against the president of the college. The United States District Court for the Northern District of Alabama granted summary judgment for the college president. On appeal, the United States Court of Appeals for the Eleventh Circuit affirmed the lower court's decision. The Supreme Court reversed the lower courts' finding that Lane's truthful sworn testimony outside the scope of his ordinary job duties was not protected by the First Amendment. The Court found Lane's speech to be that of a citizen on a matter of public concern and that even though the testimony related to his public employment or concerned information learned during that employment it was protected by the First Amendment.

The Supreme Court later heard a First Amendment free speech case involving social media communication, this time of a private citizen instead of a public employee. The Supreme Court decided this case involving social media communication in 2015 (*Elonis v. U.S.*). Elonis, an estranged husband, used Facebook to post violence laden self-written rap lyrics concerning his wife, co-workers and a kindergarten class. Elonis frequently posted that he was exercising his First Amendment free speech rights. He was convicted of making threatening communications. Elonis appealed to the Supreme Court. The Court overturned the decision saying that the

conviction required proof of intent. The Court did not address the First Amendment free speech issue. We do not know if the ruling would have been different had the person been a public employee. The Court has declined to hear most technology cases. No cases of educators' social media communication have been heard.

The lower courts have used the above Supreme Court public employee cases and the multi-step, complex analysis in their interpretations of public employee free speech rights. The following review examines application of these precedents to issues involving educators post *Garcetti*.

First Amendment Free Speech Rights as Interpreted by Lower Courts Post *Garcetti*

The cases of *Mt. Healthy* (1977), *Connick* (1983), and *Garcetti* (2006), while relying on the findings in *Pickering* (1968), each added clarification of the requirements and factors for consideration in First Amendment free speech cases involving public employees. With these guidelines, and perhaps because of them, courts are reaching wide-ranging decisions through their applications. The application of (public employee's speech falling within job responsibilities) the first step of the 5-step analysis, is demonstrated in cases listed in Appendix B – Application of Legal Precedent. This is not an exhaustive list of legal cases involving First Amendment free speech rights post *Garcetti*. It is specific to those cases involving educators.

The similarities and discrepancies that exist among the federal circuit courts in defining the scope of official duties according to the *Garcetti* mandate were analyzed, and the courts' conclusions regarding whether or not an employee's speech falls within the scope of his/her official duties were characterized as having become an "indeterminate affair" (Keenan, 2011). The many varied interpretations that lower courts now apply when using the *Garcetti* decision is blamed on the Court's "nebulous language" in the *Garcetti* decision, and the fact that they "declined to establish a functional test for determining the scope of employment for public employees" (Keenan 2011).

The circuit courts have not only come to varied interpretations from the *Garcetti* decision, some have been conflicting. The Second Circuit relied on language in *Garcetti* that stated official duties speech has "no relevant analogue" to speech of citizens who are not public employees. However, the court used this language to find that if the speech does have a relevant

civilian analogue then it may be protected, even if the employee is speaking as both an employee and a citizen. Conversely, other circuit courts have come to very different interpretations and even criticized the Second Circuit's finding as incorrectly applying the analogue reference from *Garcetti* (Flynn, 2013).

Cases in which *Garcetti* (2006) was not applied still must clear the second gateway established in *Connick* (1983). The following cases are examples of post *Garcetti* cases in which the court eliminated the *Garcetti* threshold and relied on *Connick* in their analysis. These cases are specific to social media communication. Most case law that courts are relying upon to make decisions in social media communication matters either predates social media or does not concern social media. The reach of social media clouds the factors of audience and location considered in other public employee First Amendment free speech cases. In addition, "[t]he extensive, interactive and rapidly evolving nature of social media creates similar uncertainties as to whether a teacher's social media speech implicates a public concern" (Schroeder, 2013). Additionally, the lack of definition provided for the phrase "public concern" creates a gray area. Schroeder (2013) questions whether the courts should focus on what they deem should be public concern or on what the public is concerned about, adding that social media comments serve to complicate this determination.

Social Media Cases Resulting in Teacher Termination/Loss of Position

Spanierman v. Hughes (United States District Court (2nd Circuit))

The *Spanierman* (2008) case concerned a non-tenured teacher's complaint after non-renewal of contract. Spanierman alleged violation of the free speech rights he exercised through communications with students on his MySpace page. The court found that Mr. Spanierman's speech was not within the scope of his employment, as he was not required to communicate with students on MySpace. This decision eliminated the threshold established in *Garcetti* (2006). However, the Court did apply *Connick* (1983), as the speech was not found to qualify for First Amendment protection because it did not address a matter of public concern. Also, the speech was made in the role of a teacher (public employee), and was disruptive to the school environment. While Spanierman cleared the first hurdle, his argument did not survive the second step in the 5-step free speech analysis.

The focus on teacher communication with students has been emphasized in the media greatly due to sexual improprieties. Legislation regarding educators' social media use discussed in this paper originated with the purpose of preventing inappropriate communication between teachers and their students. As a warning to teachers who interact with their students via online communication, attention is directed to the court's comment in *Spanierman* (2008) admonishing him for communicating in a "peer-like" manner and supporting the reasonableness of his employer in expecting those communications to be professional. The court, in *Spanierman*, went on to deem such communications disruptive to the school environment (Fulmer, 2010). While the inappropriate nature of the comments in *Spanierman* would be classified differently from those with sexual content, the comments were nonetheless subject to discipline.

Snyder v. Millersville University (United States District Court (3rd Circuit))

The *Snyder* (2008) case concerned a student teacher who alleged First Amendment rights violation when not allowed to continue her student teaching assignment and later denied her teaching certificate due to incompleteness of the program. Ms. Snyder received these consequences due to her posts on her MySpace page, which in the school's opinion promoted drinking, undermined her relationship with colleagues and students and disrupted the school environment. The court found that Ms. Snyder's speech was that of a public employee, not that of a student, due to her status as a student teacher. The court did not find for First Amendment protection to the MySpace postings, as the posts did not address matters of public concern. When the considered speech is not protected, the government has the liberty to impose restrictions as it wishes (Miller, 2011). The court applied the *Pickering-Connick* balancing test.

Richerson v. Beckon (United States Court of Appeals (9th Circuit))

The *Richerson* (2009) case concerned a curriculum specialist who alleged retaliation for free speech guaranteed under the First Amendment. Richerson was an instructional coach who posted blog entries containing critical remarks about her employers, union representatives and fellow teachers. Richerson was transferred from her position as a coach to a classroom teaching position based on her ability to act as a coach being "fatally undermined" by the blog content. The court found that Richerson's speech was not protected and that the speech disrupted her

working relationship with co-workers, disrupted her work environment and interfered with the performance of her duties.

In the Matter of the Tenure Hearing of Jennifer O'Brien (Superior Court of New Jersey – Appellate Division)

The *O'Brien* case concerned an elementary school teacher who posted derogatory statements about students on her Facebook page. The school division suspended the teacher without pay, pending a complete investigation. When the matter went before an administrative law judge, O'Brien's speech was deemed unprotected and disruptive to the effective functioning of the school. The case was heard before the New Jersey Commissioner of Education who upheld this finding and Ms. O'Brien was formally dismissed. She appealed this decision to the court. The court determined that the speech was not protected and that there was substantial disruption to the efficient operation of the school. Further, they affirmed the charge of conduct unbecoming. The court affirmed the dismissal decision by the ALJ and Commissioner.

Munroe v. Central Bucks School District (United States Court of Appeals (3rd Circuit))

The *Munroe* (2015) case concerned a high school English teacher who wrote derogatory comments about students on her personal blog. Ms. Munroe alleged retaliation for free speech guaranteed under the First Amendment. Munroe was suspended with pay (said suspension coincided with a maternity leave) and did not return that school year. The media coverage was substantial and Ms. Munroe contributed to the publicity by appearing on several major network television shows. She returned the following year and the school received numerous opt-out requests from parents requesting that their children not be in her class. The school hired another teacher to cover the class for all the students opposed to being in Ms. Munroe's class. Ms. Munroe received several poor evaluations based on her teaching performance and was summarily dismissed. She filed suit alleging the dismissal was a result of her blog comments and public comments defending those opinions. The Court of Appeals assumed (but did not decide) that Ms. Munroe's speech was a matter of public concern, however the court applied the *Pickering* balance test and found in favor of the school due to substantial disruption. The Court of Appeals affirmed the District Court decision granting defendant's Motion for Summary Judgement.

Social Media Cases Not Resulting in Teacher Termination/Loss of Position

Land v. L'Anse Creuse Public School Board of Education (Michigan Court of Appeals)

The *Land* (2010) case concerned a middle school teacher whose compromising photograph from a bachelorette party was shared on the Internet two years after the event. Students found and shared the photograph and the school reacted by dismissing the teacher for misconduct. The photograph was posted without the teacher's knowledge or consent. The school alleged teacher misconduct warranting dismissal. The case went before an administrative law judge who upheld the decision for dismissal. The Tenure Commission reversed the ALJ's decision and ordered the teacher's reinstatement. The teacher was reinstated and then transferred to an elementary school. The case was appealed to the Michigan court of appeals by the school board. The court affirmed the Commission's decision. The school appealed to the Michigan Supreme Court but the Court declined to hear the case.

Rubino v. City of New York (Supreme Court New York County)

The *Rubino* (2012) case concerned a teacher who posted inappropriate comments on social media. The school appointed an investigator to review the posts. After conducting the review, the investigator recommended that the teacher be dismissed. An administrative hearing officer upheld the school division's decision for dismissal. The teacher appealed the decision and the court found that punishment of dismissal was too severe. The teacher had an excellent record until this incident, so the court remanded the case so that a lesser penalty could be imposed.

First Amendment Free Speech and Social Media Complications

Difficulties in employment can arise although communication with students or even parents of students is not intended. Ashley Payne, a teacher referenced in Appendix A, filed suit after allegedly being coerced to resign due to her Facebook posts. Her Facebook account was set to private and afforded no access to students or parents. Photographs involved in the case against Ms. Payne did not depict her in illegal or compromising acts and were not provocative. Yet, Ms. Payne lost her job when administration gained knowledge of the Facebook posts (Fulmer, 2010). Fulmer (2010) comments that it was difficult to determine if the consequence Ms. Payne experienced was due to her social media use or the underlying conduct. Her position

as a teacher placed her in the position traditionally deemed by the court as a “role model” to students, whether her conduct was inside or outside the classroom (Akiti, 2012).

Sometimes information is shared that could create unexpected problems for people whose careers could be affected by inadvertent posts. A good illustration of the dangers to privacy that social media could pose is the class action suit filed against Facebook alleging violations of privacy laws in 2012 (*Lane v. Facebook*). Facebook had released a program called “Beacon” which automatically reported users’ activities such as renting a movie or booking a vacation. The program disseminated large amounts of information about members without their knowledge or consent. In the end, most of the victims received no monetary remedy as 96% of the settlement funds were paid to attorneys and a foundation to promote online security.

Teachers come under attack for their social media behaviors because, unlike the majority of workers whose role specific expectations are limited to their behavior while at work, teacher behaviors that can be accessed by students or community members can be considered disruptive to the school environment even when the behavior occurs outside of their immediate work environment (McNee, 2013). The lack of guidance for teachers due to the unresolved question of privacy rights for social networking is concerning.

Adding to the struggle of judging appropriate social media communication, the role model expectation for teachers makes crossing the line a subjective issue. Deliberate or unintentional compromising information communicated through social media could cause students to lose respect for a teacher and/or cause a teacher to lose authority in the classroom (Schroeder, 2013). Appropriate adult conversation frequently found on social media sites will most likely differ from communication appropriate for K-12 students who are minors, further complicating the matter (Schroeder).

Teachers questioned about their social media posts often disagree that their posts reflect public employee status rather than that of a regular citizen (Josh Zepps interview with Olivia Sprauer, video file, May 7, 2013; Erin Moriarty interview with Ashley Payne, video file, February 6, 2011; and Robin Roberts’s interview with Natalie Munroe, video file, April 13, 2011). When social media missteps incur consequences, teachers frequently claim violation of their first amendment rights (*Munroe, O’Brien, Spanierman, Snyder, Richerson, and Rubino*). The new technology of social media communications has challenged the capacity of established free speech protection (McNee, 2013).

Summary

The original Pickering balancing test is still precedent for many government employee free speech cases. While the precedent test established for free speech cases involving public employees can consist of multiple steps, any one of the steps unaccompanied by the others can be sufficient. Any one of the Supreme Court precedents can stand as the legal priority for findings that narrow free speech rights.

The framework for determining public employee free speech rights regarding social media use is fraught with uncertainties. Some of the gray areas are caused by lack of clarity of defining terms. Some gray areas are created due to the assorted factors present in the various cases. Another confusing aspect is the differing opinions of the separate courts as they struggle to interpret the vague language in Supreme Court cases. There have even been significant differences in opinions within courts, as evidenced by the dissenting opinions. The law review articles considered during this research share the opinion that no clear course exists to guide courts in deliberations or policy makers in writing policy. This leaves educators without clear-cut directions to navigate the minefield of potential catastrophes of appropriate online activities. Expectations for how school administrators, administrative bodies and the courts will evaluate and enforce the law would be useful to proactive decision-making. Examining relevant law, policy and procedure would provide definition.

Teachers often suffer consequences for their social media behavior. This literature review brought into focus the potential for negative effect to educators' careers created by teacher use of social media. The literature review also defined potential reasons the phenomenon occurs:

- A) Educators lack understanding that not all speech is protected. Most social media speech is not a matter of public concern (the first prong of the Supreme Court's analysis in *Pickering*) under the Pickering-Connick balancing test (Akiti, 2012). Educator lack of legal knowledge is well established (Eberwein, 2008; Militello, Schimmel & Eberwein, 2009; Schimmel & Militello, 2007).
- B) Educators are public employees. Public employees' First Amendment free speech rights are narrowed (*Pickering, Connick, Garcetti*).
- C) Schools have a legitimate interest in preventing/addressing inappropriate conduct due to teachers' "role model" status (Akiti, 2012; Schroeder, 2013).

D) Educators' rights to free speech can be outweighed by the school's need to operate efficiently (*Snyder, O'Brien*).

E) The loss of trust or respect of the students/families they serve can compromise educators' effectiveness (*Spanierman, Rubino, and O'Brien*).

Whether educators' social media missteps occur from a lack of understanding or a need for social interaction, the costs are extensive (Rogers, 2012). Educators can lose jobs and even careers. Damage to reputations and relationships with school communities can occur. School divisions can lose experienced, efficient teachers to momentary lapses in judgement. Rehiring and retraining is an expensive undertaking. Financial resources required to deal with the issues are also significant. Time, a valuable commodity to all service jobs, is lost to dealing with the issues. Community support, trust and respect can also be lost. In the end, the issues arising from social media missteps cause a loss of focus on the educational mission.

CHAPTER 3

METHODOLOGY

This chapter describes the design and the specific procedures used in conducting this study. The chapter is organized into six sections detailing the research methods, participants, instrumentation, data collection procedures, data analysis and study limitations. This study is designed to determine Virginia school divisions' practices when dealing with the phenomenon of teacher social media use. The study provides a clear description of the problems created by the phenomenon of teacher social media use, practices utilized in Virginia school divisions to deal with such instances and policies Virginia school divisions have in place to address any issues stemming from the phenomenon. The intent of this study is to provide clear description of the problem, the practices and policies in place to address the problem in Virginia school divisions. The study will undertake to answer the following research questions:

1. How have the Courts interpreted the Rights of educators in cases involving online speech?
2. What is the experience, for Virginia school divisions, with educators' inappropriate use of social media?
3. How are Virginia school divisions addressing educators' social media dilemmas?
4. What are the characteristics of current school policies used to address social media issues in Virginia?

Research Methods and Design

A qualitative case study is appropriate for this research design because this study will provide, through experiential and contextual accounts, information that will assist readers in the construction of knowledge (Denzin & Lincoln, 2008). Descriptive research methodology is used to define the current Virginia school division practices and policy (ies) to address teachers' social media use. This method was selected because it is a means to describe "a focused and bounded phenomenon embedded in its context" (Miles & Huberman, 1994).

A case study approach is an effective research method to use when: 1) the study is answering "how" questions, 2) the research is happening in a natural setting where the participants behavior is not being manipulated and 3) contextual conditions are considered relevant to the phenomena (Yin, 2013). Due to the rapidly changing technology and broad array

of social media communication options, it would not have been possible to manipulate variables in ways that a traditional quantitative design would require, thus making a descriptive case study strategy of inquiry an effective choice (Stake, 2005; Yin, 2009; Yin, 2013). The descriptive study will allow the researcher to develop a picture of the phenomena (Creswell, 1994). In this study, the phenomenon includes, the experiences, if any, of Virginia school divisions with teachers' use of social media, the policies used to guide or address teacher use of social media and relevant policy adoption, implementation, characteristics and effectiveness.

The literature review examined case law pertaining to government employees' (specifically educators) free speech rights as extended to social media use. The body of law encompassing public employee free speech rights is massive and covers years of litigation. This study's law review began with public employee free speech case law. The scope then narrowed in focus to cases bound in time by litigated cases through the date of the study; bound in activity to those cases involving social media posts; bound by event to those cases claiming first amendment rights violations and bound by social group to those cases involving educators.

Population and Sample of Participants

In addition to the case law review, this study undertook a survey of Virginia school division superintendents regarding their division's experience with the social media communication phenomenon. There are 135 school divisions in the state. The population for this study will consist of the entire population of Virginia school superintendents of school divisions housing schools within their divisions (132). The survey population number differs from the number of divisions in the state due to several factors. Fairfax City has a contract arrangement with Fairfax County to educate the children of the city. Therefore, the superintendent of Fairfax City would not have any data to report. Also, there are four divisions that are combined under two superintendents. Therefore, those two superintendents would respond through one survey each combining data from both divisions they oversee. The number would decrease if any division's superintendent position was currently vacant. Virginia was the chosen state because the researcher is currently an administrator in a Virginia school division and has served as an educator/administrator in Virginia for 18 years. This was an area of interest due to my own professional duties and responsibilities as a Virginia school administrator. School division superintendents were the chosen recipients of the survey based on their role in policy

enforcement and personnel decisions and their scope of informational knowledge with regard to the entire division. Every Virginia school superintendent was offered the opportunity to participate. However, superintendents new to the role or new to the division (attaining the position after 2015) may not accurately be able to recount information regarding the time prior to their administration and for that reason may not be able to complete the survey in its entirety. A review of school policies used to address social media issues will also be undertaken. The policies reviewed are those identified from the response to survey (see Appendix C).

The Virginia Department of Education website listing of Virginia school superintendents was reviewed in order to survey the entire population of Virginia school division superintendents. This website contains a list of each superintendent's name, along with a mailing address and phone number. The name of the superintendent can be used to connect to an email address. The site (<http://www.va-doeapp.com/SupeintendentBySchoolDivision.aspx?w=true>) was used to assimilate contact information (both mailing address and email address) for each superintendent. A mailing list was generated and used to mail recruitment letters to all listed superintendents. An email to each superintendent followed providing a link to the survey.

Instrumentation

During the first phase of research, a multiple mixed mode survey (see Appendix C) was conducted in order "to take advantage of the strengths of certain modes to overcome the weaknesses of others in order to minimize total survey error as much as possible" (Dillman, et al, 2014). Multiple modes can increase coverage, improve response rates, and reduce non-response error (Dillman, et. Al, 2014). The survey was submitted for approval to the Institutional Review Board for Research Involving Human Subjects at Virginia Polytechnic Institute and State University (IRB) prior to its administration. The survey is designed to gauge the extent to which Virginia school divisions are experiencing teacher social media communication misconduct, the types of resolutions of the misconduct, types of established policy to guide or address this issue, guidelines followed for content of the policies, policy introduction and educational efforts used by the divisions to familiarize staff with the policies.

The cultural change that has brought reduction to the number of activities requiring social interaction (ATM, touch-tone phone options for many transactions, self-checkout at grocery

stores, etc.) make an internet based self-administered survey a choice of the times (Dillman, 2000). However, the computer skills necessary to access and respond may still be daunting to some individuals or simply undesirable. As a choice of preference, a paper survey by mail option was made available as well. The varied survey options were designed to increase respondent trust and cater to their comfort and convenience. This method is known as “tailored design” (Dillman, 2000; Dillman et al 2014). The desired response rate for this survey was 70%.

The survey questions were designed to answer Research Questions 2 and 3. The alignment for each question, with its defined purpose, is displayed in Appendix D as modeled by Roberts (2010). The researcher followed guidelines for question construction and survey design as outlined by Dillman (Dillman, 2000; Dillman et al, 2014).

Survey design should control for four types of error: sampling, coverage, measurement and nonresponse (Dillman, 2000; Dillman et al, 2014). Tailored design can be effective in reducing the nonresponse error because it caters to the preference and comfort level of the participants. It is shown that sponsorship by a legitimate authority increases survey response (Dillman, 2000). Dr. Steven Staples, Virginia State Superintendent, sponsored this survey and respondents received an email from his office to that effect prior to receipt of researcher’s invitation letter (see Appendix O). The sponsorship was also announced in the invitation letter to superintendents. The sampling error and coverage error were controlled for in this study due to the administration of the survey to the entire population of Virginia school division superintendents. In order to control measurement error, the survey was piloted to a group of Assistant Superintendents in Region 7. The pilot group was asked (see Appendix E) to answer the survey and also to critique the wording of the questions, identify any spelling errors noticed and advise as to the ease of access and response (including response time). The pilot group was also asked for opinions as to questions that needed to be removed or added (see Appendix F). The pilot survey provided information regarding needed revisions to the survey and any technology issues that could impede administration of the survey to superintendents.

Data Collection Procedures

Upon receipt of Institutional Review Board (IRB) approval, informed consent (see Appendix G) from participants and the completion of a pilot survey the following plan was followed:

Step 1) A postal letter of introduction (see Appendix H) was sent to all Virginia Superintendents asking them to participate in an online survey to be sent to them a few days from the mailing. A small token of appreciation was enclosed (a writing pen). (It is recommended that contacting individuals by mail ahead of electronic communication can improve response rates (Dillman, et al, 2014).

Step 2) An email (see Appendix I) to those same individuals followed that built upon the information contained in the invitation letter. The email emphasized that the sender was following up by email to provide an electronic link to the survey with the hope that this would make responding easier.

Step 3) A second email request (see Appendix J) was sent to all non-respondents. This email, again, contained the link to the survey.

Step 4) A second postal letter (see Appendix K) offering the option of responding via mail was sent to non-respondents. A paper questionnaire and an addressed and stamped return envelope were enclosed.

The survey results identified policies to be reviewed in the next phase of the study. Once policies were identified from the survey, a comprehensive search for the policies on Virginia school divisions' websites was conducted. The researcher used the Virginia Department of Education website listing of Virginia school divisions. Each division's website was accessed by clicking on the name of the division. Available policy manuals, employee handbooks, school board policies and other documents available from the websites were searched for the policies identified in the survey responses from school division superintendents. A paper copy of each policy was made in order to allow for examination and comparison. Patterns and themes emerged during the examination.

Data Analysis

Each survey was assigned an identifier. Completed surveys were edited and coded. The editing process was conducted to get rid of any obviously erroneous responses that made no sense at all (outliers). Example, if someone answers None to question 1 and then Yes to question 2. The editing allowed researcher to check that each "tells a consistent story" (Salant & Dillman, 1994). Example, the skip patterns were followed accurately. Next, the surveys were coded (see Appendix L). All responses were expressed in numbers. This was done in EXCEL on a checklist

of all variables. The 72 variables were listed in a row with division identifiers listed in columns. From the checklist, any emerging patterns were transcribed into a detailed summary of each responding divisions' report of any issues regarding educator social media communication. Patterns that developed within regions or statewide were identified.

An analysis of the policies identified from the survey was conducted. The specific policy language and adoption dates were examined for patterns in form and content and policy relevance due to technological advances. All documents examined were primary resources from the school divisions. Any state statutes or employment contracts referenced within policy were also examined as to how they are related to educator social media use. Use of public documents enabled the researcher to obtain, in an unobtrusive manner, the language of the policy to shed light on the expectations of the school division for its educators. However, the website search may result in materials used for analysis being incomplete if school divisions did not have policy manuals electronically accessible. An attempt was made to contact those divisions and request electronic copies where this was the case.

The policies were then categorized by type. Once categorized, the first wave of examination was to review the policies and create summaries that provide name of the policy, date of adoption/recent revision, issues covered (such as communication with students, personal communication, professional communication, social media use in off duty hours, unacceptable behaviors) and other pertinent issues that arose during the examination. The second wave of examination was to review the policy practices for similarities within regions. The third wave of examination reviewed cross-referenced policies, documents or state statutes referred to in the originating policies. Cross-referenced materials were included in a chart by type: law, other policies or other documents. The title of the cross-referenced material, as well as a notation of the specific topic that make them relevant to the social media issue was provided in a table at the end of each policy category. The fourth and final wave of examination was to examine the policies from a viewpoint across divisions to illuminate trends or patterns that are statewide. Multiple levels of analysis will allow the researcher to develop "a qualitative narrative that presents a pattern or larger picture" of the phenomena (Creswell, 1994).

This progression follows the "ladder of abstraction" discussed by Miles & Huberman (1994) when a researcher begins with a text, tries out categories, and then moves to identify themes and trends. Creswell (1994) explains this segmenting process, "the researcher takes a

voluminous amount of information and reduces it to certain patterns, categories, or themes and then interprets this information by using some schema.” He further explains that this process consists of taking apart while “the final goal is the emergence of a larger, consolidated picture. (Creswell, 1994)”

Following the above-described format, the policy summaries were written to allow the researcher to get a sense of the whole. Recurring themes or factors have been reviewed in order to place the policies into categories. The policy summaries provide the narrative that explains characteristics found in the school policies of Virginia school divisions used to address educator social media issues. After characteristics are revealed “families” or shared common factors will be used to compare and contrast policies in a meta-matrix display. Meta-matrices, as defined by Miles & Huberman, are master charts assembling descriptive data in a standard format. This process is described as construction of a “map” of formalized elements (Miles & Huberman, 1994). This described process is recommended to permit researchers to “construct a deeper story” that makes “complicated things understandable.”

Another display planned for the research results will be an attribute table for each policy category. This attribute matrix will provide a table view that will list attributes of policies in rows and indicate whether those attributes were found in that category of policy.

The final model will contain characteristics found to be empirically meaningful in all or most policies. This model will pull together the data into a single summarizing form. The most influential characteristics will be limited to the top four or five identified. These will be listed in an estimated order of importance derived from the trend analysis. Connecting observable characteristics in an overarching proposition will answer research question 4. The resulting table of characteristics could be used as a checklist or guide for school divisions in evaluating existing social media policy or developing policy regarding social media use by educators.

Limitations

Qualitative research is not without weaknesses or struggles. The qualitative design does not have the fixed “rules and procedures” available in quantitative research methods. Most often, it is exploratory, dependent on context and with unknown variables that reveal themselves as the study progresses (Creswell, 1994). It requires the researcher to undertake an investigative process to make sense of a social phenomenon where the researcher is the sole data collector

(Miles & Huberman, 1994). Researchers using qualitative design are also cautioned that, “people tend to *overweight* facts they believe in or depend on,” “ignore or forget data not going in the direction of their reasoning” and “see confirming instances far more easily than disconfirming instances.” This researcher has tried to control for inherent researcher bias by relying on written policy and reporting facts gathered from participants through self-reported survey techniques. The data displays and matrices will illustrate the information found and then be transcribed to summaries based on those data. While this study is designed to be comprehensive, the survey response will control the coverage of information provided across the state and representative of each region. If a region of 19 school divisions has only one response it will be difficult to conclude that that one is representative of the entire region.

Once data are gathered, the data will be specific to school divisions in the Commonwealth of Virginia. The reliability of results will be dependent upon response rate, honesty and knowledge of survey respondents, individual interpretation of survey questions, availability of policies for review and accuracy in policy analysis. The survey results are limited to the participants’ self-reported perceptions. The results will be reflective only of the period of the date of collection (2015-2017). Policy revision is ongoing across the state and policies analyzed are subject to change. Some policies reviewed may be specific to educators and others may be inclusive of all employees. The survey could be administered in other states and processes of analysis followed to access the state in question’s policy and practice regarding teachers’ social media communication. The study findings specific to Virginia school divisions could vary greatly with that of other states.

Summary

There are studies examining First Amendment rights of public employees, social media policies, how and why educators use social media, and disciplinary decision-making of administrators dealing with educator misconduct. This study will specifically address the policies in place for educator social media use and how the policies are developed, introduced and enforced. Looking at social media policy for educators from the perspective of those charged to enforce it will add a piece to the puzzle of the body of literature on this topic.

School divisions and educators across the nation are grappling with this timely topic as evidenced in the myriad of media accounts dealing with teachers publicly scrutinized for online

behaviors (see Appendix A). The resulting case study will provide opportunities to study the phenomenon, which allows one to “place your best intellect into the thick of what is going on” (Denzin & Lincoln, 2008). The researcher will not impose an a priori hypothesis so a theory section is not presented. The specific focus on school policy being used to address educators’ social media use will enable the researcher to explore a phenomenon that is currently an immature concept due to lack of prior research.

The following describes the study using descriptive factors (Miles & Huberman, 1994). The study will be written for practitioners, in this case, educators and administrators, who like the subjects of the case law, could be affected by their actions on social media sites. This study may also appeal to policy makers, such as school boards, who are charged with the duty of creating policy that protects all stakeholders in the educational community. The effects will be written with scientific, moral, and activist views. In the scientific realm, the study will heighten insight, illuminate and deepen understanding. In the moral realm, the study will raise consciousness. In the activist realm, it will enable improved decisions and provide guidance for action. The voice of the study will be that of a realist written in a direct, matter-of-fact style.

Examining one state’s efforts to develop and implement school policies addressing social media issues for educators will provide a snapshot of the phenomenon and its complexities. Exploring the guidelines in place and their current use can support the efforts of policymakers to revise policy so that it is descriptive, explanatory and effective in preventing issues necessitating costly consequences to practitioners and the school community.

The research process described in this chapter was conducted, and the results were described in detail in Chapter 4. The findings of the study resulting from the research were presented following a narrative format and supplemented by visual displays. Data interpretation was merged with the findings elaborated in the chapter. After conducting a survey relevant to the research questions, the policies discovered were thoroughly reviewed and analyzed to determine important factors and characteristics. Patterns, themes and categories that emerged from the data analysis generated the displays and matrices illustrating the findings. A summary of key findings concludes the chapter.

CHAPTER 4

SURVEY RESULTS AND POLICY ANALYSIS

This chapter presents an analysis of the data collected as outlined by the procedures described in Chapter 3. It includes sections that discuss the purpose of the study and the data collected on the Use of Policy to Address Educators' Use of Social Media survey (Superintendents' Survey). Also included is information from data analysis of the policies identified by responding Virginia school division superintendents. The data collection, survey results and policy narratives are reported in this chapter to create a synthesis of knowledge about the phenomenon under study.

Purpose of the Study

This study is designed to better understand Virginia school divisions' practices when dealing with the phenomenon of teacher social media misuse. This study investigated the presence and contents of school policies used by Virginia school divisions to address issues arising from educators' use of social media. The study also examined experiences of Virginia school divisions with this phenomenon. In addition, the study explored implementation practices and methods of resolutions used by Virginia school divisions experiencing issues with educators' social media use. Survey response analysis and policy review are combined to answer the research questions presented in this study.

Pilot Survey

After receiving IRB approval, a pilot survey was distributed on October 31, 2017 following procedures outlined in Chapter 3. The pilot group consisted of assistant superintendents from Region VII in Virginia. While Region VII has 19 school divisions, many do not have assistant superintendent positions. Nine divisions employ that position and those nine were invited to participate.

Eight assistant superintendents promptly responded to the survey. Eight assistant superintendents provided feedback on the Pilot Survey Feedback Form (see Appendix F). Feedback was received between Nov. 1 and Nov. 9, 2017. Several respondents noted difficulty accessing the survey. The technology issue was corrected after their feedback. One respondent who did not participate in the survey but did return the Pilot Survey Feedback Form noted an

inability to gain access. There were no other changes made to the survey from respondent feedback. Reported survey response time varied from 3 to 10 minutes. Following the pilot survey, preparations were made to send out the survey to all Virginia school division superintendents.

Data Collection Procedures

The invitation letters to all Virginia school division superintendents listed on the Virginia Department of Education (VDOE) Virginia Superintendent list (excluding two vacant positions, Franklin and Lynchburg) were mailed on December 4, 2017. A token of appreciation (a writing pen) and an informed consent form were included. Ten letters required address changes as the street address listed on the VDOE website was not adequate for mail delivery. Post office box addresses were used and those letters were mailed on December 5, 2017. Several divisions responded with notifications of required research approval processes prior to survey completion. Nine divisions required research approval procedures (Chesapeake, Chesterfield, Fairfax, Hanover, Henrico, Portsmouth, Prince William, Richmond and Spotsylvania). Eight research approval procedures were completed. Researcher did not pursue one division (Richmond) whose research review committee only reviews applications on June 1st and December 1st, therefore beyond the time limits of this study.

The first emails, with an embedded link to the survey, were sent on December 14, 2017 to all divisions who had not provided notification that a research approval process would be required (excluding one division who responded that they would not be participating). Fourteen email addresses bounced back as undeliverable and had to be corrected. The corrections (typos of email addresses and filtering of school divisions blocking the email) were made and the emails were resent on December 15, 2017. One email came back with a notice that the email address had been closed. Further investigation revealed that the superintendent had retired in December. Reminder emails, providing the survey link, were sent to non-respondents one week after original email dates.

A final reminder letter was mailed to non-respondents with a paper copy of the survey and a stamped return envelope on December 28, 2017 and December 29, 2017 (depending upon original invitation letter mail date). There were 130 superintendents appropriate for recruitment from the 135 school divisions on the VDOE school division list. That number is derived from

excluding Fairfax City due to the contract status with Fairfax County, James City County/Williamsburg counted as one due to employment of one superintendent for both divisions, Greenville/Emporia counted as one due to employment of one superintendent for both divisions and there were two divisions with vacancies in their superintendent positions (Lynchburg and Franklin).

Survey Response

Virginia has eight school regions (Central Virginia-I, Tidewater-II, Northern Neck-III, Northern Virginia-IV, Valley-V, Western Virginia-VI, Southwest-VII, and Southside-VIII).



Figure 1. Map of Virginia school division regions.

Response Rate by Region

I – 53%	V – 60%
II - 60%	VI – 86%
III – 59%	VII – 84%
IV – 80%	VIII – 83%

There were 95 survey responses, a response rate of 73% of the 130 superintendents invited to participate. Responses to the survey were used to answer, at least in part, research questions two, three and four. There was over 50% response rate from each region. Survey responses by region are outlined below.

Study Results

Research Question 1: How have the Courts Interpreted the Rights of Educators in Cases Involving Online Speech?

This study focused on the legal framework, based upon current case law, public school divisions should attempt to work within to balance educators' free speech rights when using social media against the necessity to provide a safe and orderly instructional environment. The study examined four main factors for consideration when balancing the right of the employee to make the speech and the right of the employer in regulating the speech. Those factors are: 1) to what degree the speech interfered with employee performance, 2) to what degree the speech created disharmony among co-workers, 3) to what degree the speech undermined an immediate supervisor's ability to maintain discipline over an employee and 4) to what degree the speech undermined the relationship of loyalty and trust required of educators.

Research related to case law was conducted primarily through LexisNexis legal search database and database of legal journals. Cases pertinent to public employees' first amendment free speech rights and the aforementioned factors for consideration were focused upon to determine appropriate guidance for Virginia public school divisions when dealing with the phenomenon of educators' use of social media. In addition, the study addressed Virginia statutory law with respect to statutes referenced in school policy reviewed in conjunction with this study. The use of policy review, data analysis and legal analysis in this study allowed for the conduct of a thorough investigation of issues related to teachers' use of social media in Virginia. The review of case law in Chapter 2 allowed for the development of the answer to research question one.

In the majority of the social media cases from the literature review, the courts found for the schools. Disruption to the school environment was stated in each decision where teachers were terminated or removed from positions (*Spanierman, Snyder, Richerson, O'Brien, and Munroe*). Each of these educators had several posts in question, establishing that the behavior was ongoing. Significant to the findings from the literature review, the online speech in each case involving social media issues was "deemed likely to disrupt school activities." It is worth noting, as held in *Connick*, this finding does not require a disruption to have occurred.

The speech in *Spanierman*, *Snyder* and *Rubino* was not found to be “a matter of public concern”. In *Richerson*, while the court assumed some speech was a matter of public concern, they found that it was not the types of speech with respect to public concern issues contemplated by the *Pickering* line of cases.

In all but two cases, (*Land* and *Rubino*) teachers were terminated or removed from positions. In the *Land* case, the ALJ found for the school and for termination. However, the tenure commission reviewed the case and found there was “no professional misconduct, the notoriety of a tenured teacher’s off-duty, off-premises, lawful conduct, not involving students or school activities, by itself, did not constitute reasonable and just cause for discipline” (*Land*). The commission also found that Land did not “persistently and publicly violate important and universally shared community values” (*Land*). Perhaps most importantly, the court found that petitioner’s ability to teach effectively was not adversely affected enough to justify her discharge.

In the *Rubino* case, the court found that termination was too harsh and unjustified in relation to her 15 year unblemished employment record. The court cited the *Land* case in finding that Rubino’s online behavior in no way affected her ability to teach. In the *Land* and *Rubino* cases, the incidents were isolated and not established as routine behavior. The review of Virginia school divisions’ policies adds to the case law review to establish the relevancy and effectiveness of school policy in addressing educators’ use of social media. Survey items 2, 3 and 6 were used to identify the policies, their accessibility and policy development.

The Use of Policy to Address Educators’ Use of Social Media survey (Superintendent Survey) was designed to investigate the topics raised in the law review articles in the literature review of Chapter 2. The questions were also designed to cover topics raised in court decisions and media reports from Chapter 2 as well as to provide answers to research questions 2, 3 and 4.

Research Question 2: What is the Experience with Educators’ Inappropriate Use of Social Media for Virginia School Divisions?

Question 8 collected data regarding the frequency of incidents dealing with educators’ use of social media in Virginia school divisions to weigh the magnitude of the problem within the Commonwealth. A two-year period was defined for reporting purposes (2015-2016 and 2016-2017). There were 93 responding superintendents for this survey question including “I

don't know responses.” Ten divisions reported having no educator social media incidents and none reported more than 20 incidents during the defined two-year period. Sixty-five percent (65%) of divisions reported 1-4 incidents, 18% reported 5-9 incidents, 4% reported 10-15 incidents and 1% reported 15-20 incidents. One of the “I don't know” respondents stated that he knew the division had incidents but did not know how many.

Frequency of Social Media Incidents

Superintendent Survey

Q8 - In the past 2 school years (2015-2016 and 2016-2017), approximately how many incidents have occurred in your school division requiring administrative review of online behavior of a teacher, administrator or other school employee?

Table 1

Frequency of Social Media Incidents Percentage Table

#	Answer	%	Count
1	1-4	65.17%	58
2	5-9	17.98%	16
3	10-15	4.49%	4
4	16-20	1.12%	1
5	More than 20	0.00%	0
7	No incidents	11.24%	10
	Total	100%	89*

Note. I don't know responses 4 *

Question 10 delved into how the infractions came to the attention of school divisions. This answer was sought in order to inform educators of privacy essentials. There have been incidents where teachers have received consequences for social media posts even when students are not granted access. There were 80 respondents answering this question. The survey was designed so that this question would not have been presented to any division with no incidents to report. Ten divisions had no incidents to report. Three superintendents responded with “I don't know.” Respondents were allowed to choose multiple answers. Most, (75%) of reporting divisions, report that colleagues have provided reports of teacher social media missteps. Parents

also have reported teacher social media issues frequently (66% of responding divisions). Community members also frequently report teacher social media issues (46% of responding divisions). Students have less frequently reported teachers’ social media use (16% of responding divisions). The respondents reporting under the “other” category (7% of responding divisions) have provided information in their own words of reports within their divisions.

Reporters of Social Media Infractions

Superintendent Survey

Q10 - How did infraction(s) come to light? (Mark all that apply.)

Table 2

Reporters of Social Media Infractions Percentage Table

#	Answer	%	Count
1	Report by colleague	35.63%	62
3	Report by parent/guardian	31.61%	55
4	Report by community member	21.84%	38
2	Report by student	7.47%	13
6	Other	3.45%	6
5	Media report	0.00%	0
	Total	100%	174

In the Other category respondents provided the following answers: law enforcement, server’s filter and self-reported.

Question 9 surveyed the types of educator social media infractions occurring within Virginia school divisions to inform as to common errors in educator social media use. The prescribed choice list was generated after review of media reports and legal cases referenced in Chapter Two. Multiple choices were allowed. Respondents were provided a text box to add choices if needed. There were 79 divisions answering this question. The survey was designed so that divisions with no incidents would not be asked this question. Ten divisions reported no incidents. There were three “I don’t know” responses. Unprofessional comment on social media was the most common infraction reported (96%). Conduct unbecoming a teacher was a distant second choice (44%). The third most common offense was inappropriate communication with

students (40%). Twenty-six percent (26%) of divisions reported inappropriate photos. A breach of confidentiality was reported by 23% of divisions. Several divisions (5%) made use of the “other” category in their reporting. Their responses are provided in respondents’ own words following the Table 3.

Types of Social Media Infractions

Superintendent Survey

Q9 - What type(s) of infractions occurred? (Mark all that apply.)

Table 3

Types of Social Media Infractions Percentage Table

#	Field	Choice Count
2	Unprofessional comment(s) regarding school, colleague(s), student(s) or parent(s)	36.87% 66
5	Conduct unbecoming a teacher (profanity, inappropriate content shared)	20.11% 36
1	Inappropriate communication with student	18.44% 33
4	Inappropriate photo(s)	11.73% 21
3	Breach of confidentiality	10.61% 19
7	Other	2.23% 4
		179

In the Other category respondents provided the following responses: threatening public official, unprofessional personal comments regarding social issues, and expressing support for specific candidates for elected office.

Question 4 inquired as to the superintendents’ evaluation of the effectiveness of the divisions’ policies in addressing educators’ use of social media. This question was asked due to multiple law review articles reporting policy inadequacy and the collaborative report of the 2010 edWeb.net, IESD, MCH Strategic Data, & MMS Education in which administrators assessed their divisions’ policies as inadequate, in need of revision or nonexistent. There were 93

responses to this question including the four “I don’t know” responses. The majority (54%) of superintendents perceived that their division policy was effective most of the time. The second most popular response was that policy was effective some of the time (19%). Some superintendents perceived their policies effective all of the time (15%). There were 7% of superintendents reporting that their divisions had not experienced any educator social media incidents. Few superintendents reported lack of confidence in their division policy dealing with social media use by educators (3% reporting policy as seldom effective and 1% reporting policy had not been effective).

Superintendents’ Ratings of Policy Effectiveness

Superintendent Survey

Q4 - To what extent has established policy, identified in Q2, been effective in addressing employee online behaviors that have occurred?

Table 4:

Superintendents’ Ratings of Policy Effectiveness Percentage Table

#	Answer	%	Count
1	All of the time	14.61%	13
2	Most of the time	53.93%	48
3	Some of the time	19.10%	17
4	Seldom	3.37%	3
5	Never	1.12%	1
7	No situations have occurred	7.87%	7
	Total	100%	89*

Note. I don’t know responses 4 *

Question 15 examined consequences to the division due the social media infractions. Seventy-six superintendents responded to this question. The survey was designed so that any division with no incidents to report would skip this question. Ten divisions had no incidents to report. The question was created to allow multiple answers. Overwhelmingly, administrative hours dealing with the problem were perceived as the highest cost to school divisions dealing with educators’ social media infractions (chosen by 67% of responding divisions). The next

highest cost reported was the negativity created to school climate (chosen by 46% of responding divisions). A close third consequence (41%) chosen by responding school divisions was loss of community trust and respect. New hires, temporary hires and legal fees were ranked fourth (chosen by 16% of responding school divisions). The fifth ranking consequence was hours spent developing policy (chosen by 14% of responding divisions). There were eight superintendents (10%) who did not perceive any consequence to the division from dealing with social media infractions. Five superintendents (6%) responded that their divisions suffered other consequences in addition to those listed.

Consequences to School Division from Social Media Incidents

Superintendent Survey

Q15 - What was the consequence, if any, of the social media infraction(s) to the school division? (Mark all that apply.)

Table 5

Consequences to School Division from Social Media Incidents Percentage Table

#	Answer	%	Count
1	Hire of new teacher	7.07%	13
2	Legal fees and costs	7.07%	13
3	Community trust/respect	17.39%	32
4	Temporary hire (to cover suspension)	7.07%	13
5	Administrative hours dealing with incident and aftermath	28.80%	53
6	Hours developing policy and/or revising policy as a reactive measure	5.98%	11
7	Negative effect on school climate	19.57%	36
9	None	4.35%	8
10	Other	2.72%	5
	Total	100%	184

Question 11 examined the school community’s awareness of the infractions to indicate potential disruption. There were 72 responses to this question. The survey was designed so that any division with no incidents to report would not answer this question. Ten divisions had no incidents to report. Two superintendents responded “I don’t know.” School administrators

(77%) were the most knowledgeable group with regard to awareness of teacher social media incidents. Sixty-four percent (64%) of responding divisions reported that parents had knowledge of the teacher social media incident. This was almost the same percentage as other school employees with knowledge of the incident (65%). Students (41%) were less aware of teachers' social media incidents. Board members were reported as being aware of the incidents by 54% of responding divisions. The incidents being known by community members outside the school community was reported by 46% of the responding divisions. Incidents receiving notice of the press were reported by 9% of responding divisions. There were a few respondents who added additional parties. Those responses, in respondents' own words, follow Table 6.

Stakeholder Knowledge of Social Media Incident(s)

Superintendent Survey

Q11 - Which of the following stakeholders had knowledge of the social media incident(s)? (Mark all that apply.)

Table 6

Stakeholder(s) Knowledge of Social Media Incidents Percentage Table

#	Answer	%	Count
1	Parents	17.74%	47
2	Other school employees	18.11%	48
3	Students	11.32%	30
4	Board members	15.09%	40
5	Community members	12.45%	33
6	School Level Administrators	21.51%	57
7	Local Press	2.64%	7
9	Other	1.13%	3
	Total	100%	265

In the Other category respondents provided the following responses: Human Resources Director and Superintendent, law enforcement and people on Facebook.

Question 16 assessed the superintendents' level of concern produced by social media infractions. Superintendents from 93 divisions responded to this question. Only one

superintendent expressed indecision about the importance of negative employee social media communications in his/her division. There was an overwhelming 90% of responding superintendents who found this issue concerning. Eight responding superintendents (9%) did not have concern about negative employee social media communications.

Superintendents’ Level of Concern Regarding Educator Social Media Communications
Superintendent Survey

Q16 - How concerned are you about negative employee Social Media Communication situations in your division?

Table 7

Superintendents’ Level of Concern Regarding Educator Social Media Communication
Percentage Table

#	Answer	%	Count
1	Very concerned	20.43%	19
2	Somewhat concerned	69.89%	65
3	Not concerned	8.60%	8
4	Undecided	1.08%	1
	Total	100%	93

Findings for Research Question 2

The experience with educators’ use of social media in Virginia school divisions as reported by responding school divisions revealed that 89% of school divisions had social media issues during the two year defined period (2015-2017). Most divisions became aware of social media infractions through reports by colleagues. Unprofessional comments were the most common infractions reported. Only 4% of superintendents did not express confidence in the effectiveness of policies in place to address educators’ social media issues. The consequence to divisions from educators’ social media issues has mainly been administrative hours handling the problems. When incidents occurred, knowledge of the incident was widespread among adult stakeholders of the school community. The level of concern regarding educators’ social media issues is high among responding school divisions. The high level of concern and common

occurrences points to the need to understand how school divisions are handling the problem. This leads to research question three.

Research Question 3: How are Virginia School Divisions Addressing Educators’ Social Media Dilemmas?

Question 5 investigated how the existing policies were communicated to school employees to clarify status of employee policy awareness and knowledge. Question 5 data should be read with caution. The question was created to allow multiple answers. However, once an answer was chosen in a row it could not be chosen a second time for another policy. Some respondents supplied the needed information in the text box provided but there could have been answers that were less than accurate due to the inability of respondents to answer outside the format of the question. Paper responses were not affected by the technology glitch. Also, those divisions reporting only one policy would not have been affected. All other responses could have been affected. Most divisions reported multiple modes and methods of communication. The AUP is the most widely communicated policy reported. The Code of Conduct policies are second and social media policies third. It is also important to note that this order follows the order of policies most used when dealing with educator social media incidents.

Methods and Frequency of Communication of Policies to Employees

Superintendent Survey

Q5 – How are the policies, identified in Q2, communicated to school employees? (Mark all that apply.)

Table 8

Methods and Frequency of Communication of Policies to Employees Percentage Table

Communicated	AUP	CC	SMP	Other	Percentage	Count
At Time of Hire	60 (71%)	14 (16%)	5 (6%)	6 (7%)	29%	85
Annually	41 (71%)	9 (16%)	3 (5%)	5 (9%)	20%	58
In Employee Handbook	32 (42%)	27 (35%)	13(17%)	5 (6%)	26%	77
Professional Development	27 (42%)	13 (21%)	14 (23%)	7 (11%)	21%	61
Other	4 (33%)		3 (25%)	5 (42%)	4%	12
				Total	100%	293

In the Other category respondents provided the following responses: teacher courses for internet safety and digital ethics, online digital signature acknowledging adherence to social media policy and social media policy available on school website. Several respondents noted that the technology format did not allow them to mark their response as they would like, for example, if all policies are contained in the employee handbook that option could only be marked for one policy. For respondents who typed their preferred choices in the text box under the Other category, the data were calculated accordingly.

Survey item 7 posed the question of how often policies are reviewed with employees, to answer whether educators are adequately educated about division expectations with regard to employees’ social media use. There were 89 superintendents who responded to this question including “I don’t know” responses. The most common practice reported was an annual review (56%). The second most popular response was “upon revision” (28%). The third most popular choice was “upon infraction” (27%). “Only at time of hire” was reported by 13% of superintendents. Superintendents had the option of providing “other” responses and 12% did so. The Other category responses follow Table 9. There was a 2% response for “never” communicating social media policies. Most divisions reported multiple times of communication of policies to their employees.

Review of Social Media Communication Policy with Employees
Superintendent Survey

Q7 - How often are educator Social Media Communication policies reviewed with employees? (Mark all that apply.)

Table 9

Review of Social Media Communications Policy with Employees Percentage Table

#	Answer	%	Count
1	Only at time of hire	9.68%	12
2	Upon each revision	20.16%	25
3	Annually	40.32%	50
4	Upon infraction	19.35%	24
6	Other	8.87%	11
7	Never	1.61%	2
	Total	100%	124

In the Other category respondents provided the following responses: new employee orientation and social media training is required every 5 years for all teachers and administrators, periodic professional development sessions, no specific social media policy, beginning of the year and other times as needed and determined by each school principal but usually at the beginning of the year.

Question 12 queried the school divisions’ responses to infractions to measure the involvement of school resources. There were 81 superintendents responding to this question. Three superintendents responded, “I don’t know.” The survey was designed so that any division with no incidents to report would not answer this question. Ten divisions had no incidents to report. There were 61 divisions who reported that school level administrators handled infractions (75%). Central office administrators were reported to have handled infractions in 65 divisions (80%). Administrative hearings were reported by 9 divisions (11%). Eight divisions reported instituting legal proceedings as a response to educators’ social media infractions (10%). There was only one division who reported that a legal proceeding was instituted by an employee in response to the school division’s handling of a social media incident (1%).

How Policy Infractions are Handled

Superintendent Survey

Q12 - In what way was the infraction(s) handled? (Mark all that apply.)

Table 10

How Policy Infractions are Handled Percentage Table

#	Answer	%	Count
1	Building Administrator handled at school level	42.36%	61
2	Central Office personnel were involved in addressing the behavior	45.14%	65
3	Administrative Hearing was held	6.25%	9
4	Legal proceeding was initiated by school system	5.56%	8
5	Legal proceeding was initiated by employee	0.69%	1
	Total	100%	144

Question 13 answered how divisions resolved issues involving educators’ use of social media in order to examine potential consequences. There were 85 respondents answering this question. The survey was designed so that any division with no incidents to report would not answer this question. Ten divisions did not report any issues regarding educator use of social media. The most common consequence to educators for social media infractions was “written reprimand” (73% of responding divisions reported this method). Second most common method of addressing social media behaviors was “verbal reprimand” (66% of responding divisions reported this method). Seventeen divisions (20%) reported suspending employees for social media infractions. As a consequence of social media infractions, 15 divisions (18%) reported educator resignations.

There were 11 divisions (13%) reporting termination of educators due to social media infractions. Ten divisions (12%) reported using Improvement Plans to address educators with social media infractions. Four divisions (5%) reported not taking any action when social media incidents occurred. Several superintendents provided alternative actions through use of the text box provided in the “other” category. Those responses follow Table 11.

Incident Resolution

Superintendent Survey

Q13 - How have any incidents that have occurred been resolved? (Mark all that apply.)

Table 11

Social Media Incident Resolutions Percentage Table

#	Answer	%	Count
1	Termination(s)	6.11%	11
2	Suspension(s)	9.44%	17
3	Verbal reprimand	31.11%	56
4	Written reprimand(s)	34.44%	62
5	Improvement Plan(s) developed	5.56%	10
6	Resignation(s)	8.33%	15
7	No action taken	2.22%	4
8	Other	2.78%	5
	Total	100%	180

In the Other category respondents provided the following answers: warnings if not severe or if friend of friend made the inappropriate comment and discussion with employee but not a verbal reprimand.

Question 14 assessed the factors considered when resolving issues to inform decision makers of possible considerations during deliberations. This question received 80 responses. There were five (5) “I don’t know” responses. The survey was designed so that any division with no incidents to report would not answer this question. Ten divisions had no incidents to report. In deliberating a response to educators’ social media infractions, most respondents chose multiple answers. The factor most frequently considered was role model concerns (50% of responding divisions reported this consideration). The second most frequently considered factor was “past performance of employees” (49% of responding divisions reported this consideration). Community Morals was a consideration for 30% of responding divisions. There were 17 superintendents (21%) who added factors to the prescribed list. Their responses are listed in their own words following Table 12. Fifteen superintendents (19%) said that continuing contract was a factor for consideration. Only six superintendents (8%) said that media coverage was a factor for consideration. There were five superintendents (6%), who said that there were no outside factors to consider when deciding resolution to an educator social media problem.

Factors Considered when Determining Resolutions

Superintendent Survey

Q14 - What, if any, of the following were considered determining factors in the outcome decision(s)? (Mark all that apply.)

Table 12

Factors Considered when Determining Resolutions Percentage Table

#	Answer	%	Count
4	Role model concerns	27.40%	40
2	Past performance	26.71%	39
7	Other	11.64%	17
8	None	3.42%	5
3	Media coverage/disruption	4.11%	6
1	Continuing contract status	10.27%	15
5	Community morals	16.44%	24
	Total	100%	146

In the other category respondents provided the following responses: admission to incident that did not escalate safety concerns, difficulty filling vacancy during the school year, legal charges, violation of policy, severity or level of infraction, common sense and whether occurrences were emblematic or a one-time occurrence.

Findings for Research Question 3

Virginia school divisions are approaching the educator social media use phenomenon with common policies. The policy types and content are consistent with Virginia law requirements. The majority of responding divisions report communicating social media policy to employees annually. Nearly all incidents are managed at central office or building administration level without requiring administrative hearings or legal proceedings. Most of the incidents are addressed through reprimand. The greatest factor considered when addressing social media incidents was the expectation for educators to serve as role models. Characteristics of the policies in place to address social media use is the next area studied.

Research Question 4: What are the Characteristics of Current School Policies Used to Address Social Media Issues in Virginia?

Survey Question 2 explored the existence of school policy addressing educators' use of social media in Virginia. This question was asked due to suggestions of law review articles that there is need for school policy development in this area. Responding superintendents identified, from prescribed options, policies used in their school divisions to address educators' use of social media. The respondents had the option to add to the prescribed list.

All 95 respondents answered this survey question. The majority (98%) identified Acceptable Use policies (AUP) as policy used to address this issue. All but two divisions reported using AUPs. The next largest response percentage (54%) identified the Code of Conduct. During research, the code of conduct was often found in school board policies and employee handbooks as opposed to existing as a separate document. Social media policy was identified as the third largest response (32%).

The "Other" category is mostly overlapping and included school board policies, employee handbooks and personnel policies (which most often exist in board policy and handbook form). There was one specific policy identified as "Staff/Student Boundary Policy."

The “Other” category is included in respondents’ own words and can be viewed following Table 13. Many divisions reported multiple policies. These policies were examined and analyzed, with descriptive summaries following research question four.

Policies Used to Address Social Media Incidents

Superintendent Survey

Q2 - What policies, if any, does your school division have in place to deal with school employees' online behavior? (Mark all that apply.)

Table 13

Policies Used to Address Social Media Incidents Percentage Table

#	Answer	%	Count
1	Acceptable Use Policy (AUP)	49.47%	93
2	Code of Conduct	27.13%	51
3	Social Media Policy	15.96%	30
4	Other	5.85%	11
5	Additional	1.60%	3
7	None	0.00%	0
	Total	100%	188

In the Other category respondents provided the following responses: social media tips, school board policy, employee handbook, staff/student boundary policy, ethics policy, other personnel policies and policy manual.

Question 3 asked if policies identified in Question 2 were available on school websites to gauge accessibility for researcher in the policy analysis phase of this study, as well as to judge the ease of accessibility for educators in the division. There were six “I don’t know” responses to this question. Sometimes respondents knew about or responded to some but not all of their identified policies. Acceptable Use Policies were the most accessible with 95% of divisions reporting their availability on the division website. Code of Conduct had a 90% reported availability on division websites. Social Media policy and “Other” policy were both reported as 68% availability through divisions’ websites. During research, several identified policies were difficult to locate through the divisions’ websites. For example, the AUP was sometimes a part

of board policy, sometimes included in the employee handbooks and sometimes found in policy manuals. There were even instances of AUPs being under specific department headings on the website, i.e. human resources or technology.

Online Policy Accessibility
Superintendent Survey

Q3 - Are policies, identified in Q2, available on your school website? – Choose yes, no or I don’t know.

Table 14

Online Policy Accessibility Percentage Table

#	Field	Yes	No	I don't know	Total
1	AUP (acceptable use policy)	94.51% 86	3.30% 3	2.20% 2	91
2	Code of Conduct	90.48% 57	7.94% 5	1.59% 1	63
3	Social Media Policy	68.09% 32	25.53% 12	6.38% 3	47
4	Other	68.42% 13	31.58% 6	0.00% 0	19

In the Other category respondents provided the following responses: no school board policy on social media but guidelines are provided on website, policy manual, school board policy, employee handbook, other personnel policies, Code of Conduct, log-in notice on employees’ computer and staff/student boundary policy.

Question 6 gathered information regarding the resources used to develop division policy. This question also allowed researcher to look for common formats in the identified policies. There were 80 responses, excluding the six “I don’t know” responses. The majority (86%) of responses indicated that VSBA guidelines were used for school policy development. These policies reference Virginia statues, which are notated in the policy analysis section of this chapter. School board policy is a distant second most popular response (29%). Few divisions report using NSBA (14%) or VDHR (9%) guidelines. Some divisions chose the “Other”

category (10%) and those responses are provided in the respondents’ own words following Table 15. Most divisions chose multiple resources for policy development.

Guidelines Used for Policy Development
Superintendent Survey

Q6 - What guidelines/materials were used to develop any policy used to address social media issues? (Mark all that apply.)

Table 15

Guidelines Used for Policy Development Percentage Table

#	Answer	%	Count
1	NSBA guidelines/recommendation	6.96%	11
2	VSBA guidelines/recommendation	43.67%	69
3	School Board drafted policy (not copied from VSBA or NSBA	14.56%	23
4	Virginia statute(s)	25.32%	40
5	Virginia Department of Human Resources Administration policy	4.43%	7
7	Other	5.06%	8
	Total	100%	158

In the Other category respondents provided the following responses: other school divisions’ social media guidelines, ISTE-International Society for Technology in Education/VSTE-Virginia Society for Technology in Education, employee input and board attorney.

Survey Findings for Research Question 4

Virginia school divisions report having policies in place to address educator use of social media. The main policy relied upon by school divisions is the AUP. The AUP and most other policies used to address the issue are accessible through school division web sites. The VSBA guidelines and Virginia statutes are used consistently to develop the policies.

The responses to Q2 from the Superintendent’s Survey identified policies each division used to address educators’ use of social media. Each school division website was accessed and searched for policies identified by survey respondents. The policy topics guided the search (AUP, Code of Conduct and Social Media). Some school divisions required an employee log-in to access certain areas of their websites. Employee handbooks were difficult to access for this

reason. Board docs were generally accessible. AUPs for employees were located in various areas on different division websites, sometimes under specific departments such as human resources or technology. Each division website was searched diligently to uncover policy that would illuminate methods and practices dealing with educator use of social media. The policies were reviewed and categorized as follows.

Wave 1: Policy Categories and Narratives

The policies identified by respondents in survey item Q2 were categorized by type: Acceptable Use Policies, Employee Code of Conduct Policies and Social Media Policies. Once categorized, the first wave of examination provided names of policies, issues covered and dates of adoption/revision/review. This information was arranged by listing all policy headings and titles. The policy and headings were many and varied, but the intent/purpose of the policies in each section were the same. The summaries following the titles are a narrative of issues covered, with more detail and description given to the topics and issues relevant to this study – Educators’ Use of Social Media.. The summaries are followed by a table of cross-referenced materials. The table provides names and topics of the cross-referenced laws, other policies, and other documents. The narrative policy description, followed by a table of cross-referenced materials and adoption/revised/reviewed dates, completes the first wave of policy examination.

Acceptable Use Policies/Documents/Regulations

Policies:

GAB/IIBEA	GABA/IIBEA	GAB/IIBEA-M
IIBEA-GAB	567P	GAB/IIBG
IIBEA	GAB	

Policy Titles:

Acceptable Computer System Use
 Technology Acceptable Use Policy
 Acceptable Technology Use Guidelines
 Acceptable Use Policy – Adult Stakeholder
 Administrative Procedures Governing Computer System Use Computer and Network Use
 Internet Safety and Acceptable Use of Electronic Media
 Acceptable Computer System and Network Resource Use
 Computer Technology Acceptable Use & Internet Safety
 Acceptable Use Policy for Electronic Information, Services, and Networks,
 Internet Safety/Technology Usage Policy,
 Acceptable Computer/Network System Usage

In general, these policies state the purpose of the school division's computer system, "to promote educational excellence by facilitating resource sharing, innovation and communication." All users are told that their use must be "in support of education and/or research, or for legitimate school business." Policy states that use is a privilege, not a right and that communication or material created through the system may be monitored, read or archived. The policy expressly prohibits sending, receiving, viewing or downloading illegal material. One reviewed policy simply stated the purpose of the Computer Network is for support to instructional programs and that all regulations promulgated by the Superintendent would apply.

Acceptable Use policies often refer to the Division Superintendent for establishment of administrative provisions for: operation of a technology protection measure preventing access to child pornography, obscenity, material harmful to juveniles or minors or otherwise inappropriate for minors, education of students and employees about appropriate online behavior and prohibiting disclosure, use/dissemination of photographs and/or personal information of/or regarding minors. Some policies include the regulations within the policy. Some have separate regulation documents.

The policy clearly states that use of the division's computer system "shall be consistent with the educational or instructional mission or administrative function of the Division." It is declared that the Division's computer system is "not a public forum." There is a disclaimer for Division liability as to lost, damaged, or unavailable information as well as denial of responsibility for unauthorized charges or fees resulting from access to the computer system. There is notice that violation of the policy can result in loss of computer privileges, disciplinary action, or legal action.

The policy requires all employees to sign the Acceptable Computer System Use Agreement before using the Division's computer system. One reviewed policy included wording from a Login Warning that appears on users' computer screens. In effect, users are agreeing to the Acceptable Use policy each time they log in. "By proceeding beyond this screen, you agree to abide by the following guidelines and to accept the consequences of failing to do so, which may include legal action against you for the recovery of damages caused by your misuse of the network." The warning continued with net-etiquette requirements and cautions about disruptive activities. Users are told to stop at the login screen if they do not agree to all the conditions.

Cross-referenced materials for this policy include:

Table 16

Cross-Referenced Materials for Acceptable Use Policies

Law	Other Policy	Other Documents
18 U.S.C. Section 2256 and Va. Code Section 18.2-374.1:1 (legal references to child pornography)	IIBEA-F(Acceptable Computer Use Agreement)	
18 U.S.C. Section 1460 and Va. Code Section 18.2-372 (legal references to obscenity) Va. Code Section 18.2-390 and 47 U.S.C. section 254(h)(7)(G) (legal references to materials harmful to juveniles and minors or otherwise inappropriate for minors)	GAB-F1/IIBEA-F1(Acceptable Computer Use Agreement) GAB-E1/IIBEA-E2 (Acceptable Computer Use Agreement)	
Va. Code Section 22.1-70.2 (teaching students internet safety)	GDPD (Support Staff Discipline)	
Va. Code Section 22.1-78 (bylaws and regulations)	GCPD (Professional Staff Discipline) Bring Your Own Device Policy & Guidelines (personal electronic device use on Computer System) Social Media Policy and Guidelines (social networking instructionally and personally) 567R-B (Personnel - Electronic Mail, Social Media and Networking) Regulation 567R-C (Personnel – Instructional Use of Social Networking Sites by Employees)	

The Adopted and Revised/Reviewed dates of the policies range from December 20, 2006 to December 18, 2017. The policy language is similar in content covered, especially those using VSBA guidelines. However, for divisions not using VSBA or using additional guides, the Acceptable Computer System Use policies cover additional topics, may contain more, specific

descriptions of expectations, and expressly prohibit additional actions. Those more unique and customized Acceptable Use policies are next in the review.

Policies:

IIBEA	Policy 6-64	School Board Policy Section 5-6.3	Policy 6-62
SB Policy 45-2	P 8-37	567R-A	Policy 6-3.13
Policy 8.32	Policy 6-3.11	Policy 6-3.15	
Policy 667	GAA-R	Article XIX	

Policy Titles:

Acceptable Computer System Use,
Acceptable Use Policy,
Responsible Computer System Use,
Acceptable Use of Electronic Networked Resources & Internet Safety,
Acceptable Telecommunications and Internet Use for School Board Members, Faculty,
Employees, and Administrative Staff,
Computer Network and Internet Use,
Acceptable Computer and Network Systems and Resources Use,
Technology Program Academic Network,
Staff Access to the Division Computer System,
Technology Use,
Staff Network and Acceptable Use Policy for Electronic Information and Related Technology
Services,
Acceptable Use of the Computers, Networks, Internet, Electronic Communications Systems, and
Information Policy,
Acceptable Use Procedures for Employees (for Telecommunication System Use),
Regulations Governing Employee Use of Information Technology Resources,
Instruction: Computer Systems

These policies, while generally containing the same components as the VSBA model Acceptable Use Policy, have additional requirements and statements which are more specific. Some have additional components, such as Areas of Responsibility, listing specific stakeholders with their respective responsibilities and expectations as to this policy. Some policies require employees to report violations of policies or laws. Some policies provide that any communication with school staff, students or families must be conducted on the school computer system.

Some policies contain more specific statements with regard to unacceptable uses of the computer system. Some policies allow “incidental personal use,” defined as infrequent or occasional, as long as it does not interfere with employees’ job duties or performance. There are additional statements regarding monitoring and related searches, for example, “Users have no right of privacy and should have no expectation of privacy in materials sent, received, or stored

on the Computer System.” Sometimes, notice of disclosure requirements set forth in Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), and the Freedom of Information Act (FOIA) are included.

There are statements forbidding deletion, erasure, or concealment of information that violates policy stored on the Computer System. Some policy forbids charitable solicitation, campaigning for candidates for public office or lobbying for public officials. Language appropriateness is more descriptive in some policies with many adjectives used to address unacceptable language and material (obscene, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, belligerent, false, defamatory, discriminatory, denigrating, abusive, contentious, insensitive, emotional, highly confidential, libelous, sexually explicit, suggestive, inappropriate, private, personally identifiable, sensitive, hate speech, bullying, disparaging, flaming, harassing, intimidating, terroristic, proprietary, offensive, hostile, inappropriate, objectionable, unethical and unprofessional). There also is policy that instructs users to avoid creating the impression they are speaking for the school division.

There is policy forbidding staff members from establishing online social media relationships with students, while other policies discourage online social media relationships with students. Some policy addresses Non-Computer System Use (personal use). Some divisions expressly reserve the right to discipline staff for actions taken off-campus or independently of the Computer System if it violates school policy, regulations or directives, if such actions adversely affect the safety, well-being, or performance of students, threaten violence, violate laws or disrupt the learning environment, administration or orderly conduct of the school. Some policy states staff should avoid open social networking websites that offer an interactive, user-submitted network of personal profiles, blogs, groups, photos, music and videos. There are some policies that include role model expectations forbidding material, messages, or pictures that compromise staff/student professional relationships, diminish staff’s professionalism, discredit staff’s capacity to maintain the respect of students and parents or impair the ability of staff to serve as a role model.

Cross-referenced materials in these policies include:

Table 17

Cross-Referenced Materials for Customized Acceptable Use Policies

Law	Other Policies	Other Documents
Va. Const. art. VIII Section 7 (art. VIII – Education, Section 7 – School Boards)	School Board Regulation 6-64.1(Acceptable Use of Computer System)	Guidelines and Resources for Internet Safety in Schools, Virginia Dept. of Ed. (Second Edition October 2007)
Titles VI (civil rights) and VII (employment discrimination)	Regulation 6-3.11(A) (Acceptable Computer and Network Use for Staff)	Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools (March 24, 2011)
Title IX Educational Amendments of 1972 (equal opportunity, sexual misconduct & sexual harassment) Every Student Succeeds Act of 2015, as amended Civil Rights Act of 1964 18 U.S.C. Section 1460 and Va. Code Section 18.2-372 (legal references to obscenity) 18 U.S.C. Section 2256 and Va. Code Section 18.2-374.1:1 (legal references to child pornography) Va. Code Section 18.2-390 (legal references to materials harmful to juveniles and minors) Va. Code Section 22.1-78 (bylaws and regulations)		

The Adopted/Last Revised/Reviewed dates of the policy range from June 2007 to June 12, 2017.

At times, Acceptable Use Policies are combined with the regulations supporting the policy. At other times the regulations are explained in separate documents. The Acceptable Use regulations created separately are the next documents reviewed.

Policies:

GAB-R/IIBEA-R	Regulation 8.530.1	GAB-SR1/IIBEA-SR1	Regulation 6-3.15(A)
GAB-R	GABB/IIBEAB	Regulation 8.32	IIBEA-R/GAB-R
GAB/IIBEA-R	R 8-37	Regulation 6-3.11(A)	GAB-R1/IIBEA-R1
667-R	GAB/IIBEA-M-1-R	IIBEA-R	Regulation 6-64.1
Regulation 295-1			

Policy Titles:

Employee Responsible Use Policy Agreement for Computer Systems,
Terms & Conditions for Use of Schools Network,
Acceptable Computer Use Regulation,
Acceptable Computer System Use Regulation,
Internet Safety Program,
Acceptable Telecommunications and Internet Use for School Board Members, Faculty,
Employees, and Administrative Staff,
Acceptable Use Policy (AUP) Agreement for Use of Electronic Network Resources and Internet
Safety,
Internet Safety and Acceptable Use of Electronic Media, Computer and Network Use for Staff,
Regulation – Acceptable Computer System Use,
Acceptable Use Policy Accompanying Regulation,
Acceptable Computer System and Network Resource Use Regulation,
Technology: Computer Telecommunications Guidelines & Responsibilities,
Acceptable Use Policy (AUP) & Internet Safety,
Internet/Network Acceptable Use Policy,
Social Media Guidelines,
Acceptable Use of Computer Systems,
Technology Acceptable Use and Internet Safety Policy
Computer Systems and Network Services – Responsible Use and Internet Safety Policy

This regulation further explains Responsible Use Policy, often requires employees to initial each outlined section and to sign at the end of the agreement document. Common topics include: Responsible Use, Digital Citizenship/Internet Safety Guidelines, Electronic Mail, Copyright Violations, Software, Offensive Materials, Harassment/Bullying, Vandalism, Non-school Related Business, Security, Liability, Resource Conservation, Charges, and Enforcement. The language is consistent with the GAB/IIBEA policy but often outlines specifics regarding unacceptable use behaviors and network etiquette.

Some policies contain a separate section on Social Media. Expectations for conduct on personal social networking sites are included. Social media use during work hours sometimes is addressed whether conducted on school or personal equipment. Some policies require submitted permission forms prior to using personal devices on the Computer System. Some policies allow social media interactions between staff and students or families for educational purposes, some

do not and still others discourage the practice. Policies generally disallow social media participation that negatively affects an employee’s job performance and/or violates school board policies or regulations. One example from reviewed policy stated educators “must avoid appearances of impropriety and refrain from inappropriate electronic communications with students.” Some regulations include an employee signature page instead of having a separate Agreement document.

One reviewed policy added specifics regarding their Internet Safety Plan with a program curriculum for each grade level K-12. A Stakeholder Role and Responsibility chart was included. A schedule for Professional Development and a chart of Community Outreach events were also included. One reviewed policy included a section for Due Process procedures.

Cross-referenced materials include:

Table 18

Cross-Referenced Materials for Acceptable Use Regulations

Law	Other Policies	Other Documents
18 U.S.C. Section 1460 and Va. Code Section 18.2-372 (legal references to obscenity)	GCPD (Professional Staff Discipline)	Guidelines and Resources for Internet Safety in Schools, VDOE (Oct. 2007)
18 U.S.C. Section 2256 and Va. Code Section 18.2-374.1:1 (legal references to child pornography)	GDPD (Support Staff Members: Contract Status and Discipline)	Guidelines for Electronic Communication
Va. Code Section 18.2-390 (legal references to materials harmful to juveniles and minors)	Policy #619 (Professional Staff: Expectations and Discipline)	
Va. Code Section 22.1-78 (bylaws and regulations) CIPA (The Children’s Internet Protection Act)	Policy #622 (Support Staff: Expectations and Discipline) Policy #667 (Staff Access to the Division Computer System)	
Va. Code Section 22.1-70.2 (teaching students internet safety) Children’s Internet Protection Act		
47 U.S.C. Section 254 (internet safety)		

Adopted and Revised/Review dates range from June 2007 to September 2017.

School divisions provide Acceptable Use Policies to employees and have employees sign an agreement that they have read, understood and agreed to abide by the policies and regulations. Those agreements are listed next in the review.

Policy Agreements:

GAB-F1 IIBEA-F2 IIBEA-E2/GAB-E1 GAB-R/IIBEA-R FORM 2	GAB-E1/IIBEA-E2 667-F GAB-E1/IIBEA-E1	Regulation 8.32 GAB/IIBEA-M-R-F IIBEA-F (GAB)
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Agreement Title:

Acceptable Computer System Use Agreement,
Acceptable Use of Electronic Media Agreement for Employees,
Acceptable Use Policy Yearly Agreement for Staff,
Information Technology and Telecommunications Systems User Guidelines – Acceptable Use Agreement (Staff),
Computer Network, Internet and Photograph Acceptable Use Agreement for Employees,
Acknowledgement: Staff Network and Acceptable Use Policy for Electronic Information and Related Technology Services,
Acceptable Use Policy for Electronic Information, Internet and Network Resources Agreement Form,
IT Acknowledgment and Consent Form,
Employee Computer Acceptable Use Agreement Form
Acceptable Use of Technology Employee’s Agreement
Part A: Acceptable Use Agreement for Employees

This Agreement requires signed acknowledgment by each computer system user prior to Computer System use. Users are instructed to read the Agreement, Acceptable Computer System Use policy and Acceptable Computer System Use regulation carefully before signing. The signature indicates that the user understands and agrees to abide by the Agreement, policy and regulation. Adopted and Revised/Reviewed dates range from February 2005 to November 2017.

Some school divisions address personal devices owned by users that are accessing the Computer System with separate policy. Two examples of such polices were found and reviewed as follows.

Policy:
GAB-E3/IIBEA-E3
IIBEA-R/GAB-R

Policy Title:

Personal Electronic Device Agreement (Staff/Contractor/Volunteer),
Personally Owned Computing/Network Device Acceptance of Responsibility and Device Use
Agreement Permission Form

This Agreement requires signed acknowledgment by each Computer System user connecting to the Computer System via personally owned computing or electronic device prior to Computer System use. Users are agreeing that their computer use while on the Computer System may be monitored, that they will only use the device in designated areas during designated times, that their device is virus free and that their use will not affect Internet access or functions. Adopted/Revised/Reviewed date is 8/16.

Summary of Acceptable Use Policies

The Acceptable Use policies have the same intent despite their many names and titles. The greatest difference between the policies was the amount of information covered. Some divisions combine policy, regulations and agreements while others create separate documents for each. This meant that some documents were one to three pages, while others were many pages in length. The policies defined divisions' technology purpose, expectations for use, prohibitions and enforcement plans. The school divisions' policies were clear that the use of their Computer System comes with restrictions and professional expectations. Privacy should not be an expectation. Professional conduct as an employee applies to technology and electronic communications.

The next category of policies is less defined due to distribution in separate forms of policy, school board policy, policy manuals and employee handbooks. The review is a combination of all of these forms of policy addressing employee conduct that may occur during social media use by educators.

Employee Code of Conduct

Employee conduct guidelines often are found in School Board policy and Employee Handbooks. Few divisions have separate policies for employee conduct expectations. Those

survey respondents identifying Codes of Conduct as policy used to address educators' use of social media did not specify whether there were specific separate written documents or personnel policy from a combination of policy manuals, board documents and employee handbooks.

Most policy manuals are organized into 12 major classifications, each bearing an alphabetical code. Personnel policies are typically under Section G. Policy manuals, board documents and employee handbooks, where available, were reviewed when a separate document was not located. Each of the 12 major classifications in policy manuals has a table of contents. That table of contents was reviewed in search of topics dealing with educator conduct relevant to social media interactions. Board docs also have personnel sections. Employee handbooks often had to be searched page by page. General Personnel policies contain broad conduct statements such as:

- The educator accepts responsibility to practice the profession according to the highest ethical standards.
- Devote full effort to job responsibilities during work hours.
- Demonstrate respect for the school division and toward coworkers, supervisors, managers, subordinates, students, parents, and other educational stakeholders.
- Use school equipment, time, and resources judiciously and as authorized.
- Employee conduct should protect the person's integrity and/or reputation and that of the school system.
- Conduct themselves at all times in a manner that supports the mission of the school and the performance of all duties.
- Employees shall perform their jobs in a competent and ethical manner without violating the public trust or applicable laws, policies and regulations
- To inform himself/herself of rules, regulations, terms, and conditions affecting employment, and
- All employees are expected to know and observe the School Board Policies, Rules and Regulations contained in this manual.

Handbooks generally summarize the most common policy affecting employees and in such are redundant to school policy. There are general statements such as, "staff members are expected to comply with all school laws, school board policies, and regulations." Other examples of general policy statements include, "Employee conduct should protect the person's

integrity and/or reputation and that of the school system. Employees shall perform their jobs in a competent and ethical manner without violating the public trust or applicable laws, policies and regulations.” When details are outlined, those details are derived from policies and regulations already in place. The employee conduct policies reviewed included expectations and discipline for violation of policy.

Policies:

Policy 4-2	GCPD	6-1
Policy 5.820	GCPF	Policy 5-1.6
GBCB	GCPC	GBCC

Policy Titles:

Employee Conduct,
Professional Staff Discipline,
Standards of Conduct and Performance,
Suspension of Staff Members,
Suspension and Dismissal of Professional Staff Members
Employee Code of Professionalism,
Personnel - Statement of Ethics,
Staff Conduct and Responsibilities,
Professional Staff Members: Contract Status and Discipline, Standards of Staff Conduct
Employee Code of Conduct

Separate specific conduct policies generally have common sections such as: Standards of Conduct and Discipline Philosophy, Conduct Outside the Workplace, Probation and Dismissal, Suspension, Employee Handbook, School Board Bylaws, Policies and School Division Regulations. Frequently, reasons for dismissal are outlined, but are somewhat general in nature, i.e. immorality, non-compliance with school laws and regulations or other good and just cause. Some policies state that the conduct outlined in the policy is not all-inclusive and the Superintendent and School Board may deem other conduct subject to discipline.

One reviewed policy categorized violations and issues into levels with corresponding disciplinary actions that can be taken: Level One – Minor violations/issues, Level Two – More Serious violations/issues, Level Three – Moderate Conduct violations and Performance issues, Level Four - serious conduct violations, unacceptable job performance, and/or repetition of Level 1, Level 2, or Level 3 violations, and Level Five - address the most serious conduct violations and/or repetition of Level 1, 2, 3, or 4 violations. There also is a provision for administrators or supervisors failing to enforce the code as well as grievance procedures for those wishing to file grievances.

One reviewed policy had a section for Employment Status: Reemployment, Non-Renewal, and Dismissal which covers Employment Contracts, Contractual Status of Administrative Staff and Probationary Contracts for Teaching Staff, Reemployment of a Probationary Contract Teacher and Continuing Contracts. Another reviewed policy included sections on hiring, such as: Equal Employment Opportunities, Employment Influences and Contractor Influences.

Cross-Referenced materials include:

Table 19

Cross-Referenced Materials for Employee Conduct Policy

Law	Other Policy	Other Documents
Article VIII, § 7, of the Virginia Constitution (school boards) and Title 22.1 of the Virginia Code (education)	GCPF (Suspension of Staff Members)	Guidelines for Uniform Performance and Evaluation Criteria for Teachers, Administrators, and Superintendents (1/00)
Va. Code Section 22.1-78 (bylaws and regulations)	GCE (Part-Time and Substitute Staff Employment)	
Va. Code Section 22.1-70 (powers and duties of the superintendent)	GCG (Professional Staff Probationary Term and Continuing Contract)	
Va. Code Sections 18.2-251 (child abuse and neglect)	GCDA (Effect of Criminal Conviction or Founded Complaint or Child Abuse or Neglect)	
Va. Code Section 22.1-253.13:5 (quality of classroom instruction and educational leadership)	GBMA (Support Staff Grievances)	
Va. Code Section 22.1-274 (school health services)	GCPF (Suspension of staff Members)	
Va. Code Section 22.1-296.2 (data on convictions of certain crimes required)	GDG (Support Staff Probationary Period)	
Va. Code Section 22.1-307 (dismissal of teacher for grounds)	GCA (Local Licenses for Teachers)	

(continued)

Table 19 (cont.)

Law	Other Policy	Other Documents
Va. Code Section 22.1-313 (exclusive final authority of school board decisions)	GCPF-BR (Suspension of School Staff Members Without Pay)	
Va. Code Section 22.1-315 (grounds and procedures for suspension)	GBM (Professional Staff Grievances)	
Va. Code Section 63.2-1505 (child abuse and neglect)		
Va. Code Section 63.2-1526 (appeals for child abuse or neglect charges)		
Va. Code Section 22.1-295 (employment of teachers)		

Adopted/Last Revised/Reviewed dates range from February 1995 to September 7, 2017.

Many divisions have regulations that support and further explain the conduct policies.

Those regulations are next in the review.

Policies:

GCPD-R GCPD-BR1 GCPD-BR2 Regulation 503.02-1
GDPD-BR GCPC-BR GDPD-R

Policy Titles:

Professional Staff Discipline,
 Dismissal or Probation of Employees,
 Discipline of Certified Employees,
 Human Resources – Standards of Professional Conduct for All Employees
 Professional Staff Members: Contract Status and Discipline Guidelines,
 Suspension and Dismissal for Support Staff Members,
 Standards of Conduct for Employees-BR

This regulation outlines disciplinary measures that may be taken by administration. The regulations are specific to dismissal procedures for Probationary Teachers and Continuing Contract. Some policies outline and define/describe the range of disciplinary actions that can be levied against employees: verbal reprimand, written reprimand, placement on probation, suspension with pay, suspension without pay, dismissal and termination of contract. Documentation requirements of disciplinary actions are also explained.

Cross-Referenced materials include:

Table 20

Cross-Referenced Materials for Employee Conduct Regulations

Law	Other Policy	Other Documents
Va. Code Section 22.1-303 (probationary terms of service for teachers)	Acceptable Use Policy and Internet Safety Program Technology Acceptable Use Policies Local technology Policies and Guidelines	
Va. Code Section 22.1-305 (non-renewal of probationary teacher)		
Va. Code Section 22.1-309(notice to teacher of recommendation of dismissal)		
Va. Code Section 22.1-310 (Repealed) (Election of hearing before fact-finding)		
Va. Code Section 22.1-314 (decision of school board; issue of greivability)		
Va. Code Section 22.1-315 (grounds and procedure for suspension)		
Va. Code Section 22.1-307 (dismissal of teacher, grounds)		

Adopted/Last Revised/Reviewed dates range from March 8, 2004 to July 2015.

Survey responses revealed an additional conduct policy that is pertinent to social media interactions between staff and students. This policy defines boundary expectations and adds detail to unacceptable behaviors.

Policy:

**Personnel – 567R-D
GBAA**

Policy Title:

Maintaining Appropriate and Professional Relationships with Students
Maintaining Professional Staff/Student Boundaries

This policy establishes staff/student relationship boundaries. The goal of this policy is to “protect students from harm and staff members from allegations of misconduct.” The policy includes sections such as, Absolute Prohibitions, Conduct that Could Provide Appearances of Impropriety, Electronic Communication, Exceptions to This Policy, Consequences, Reporting and Training. The policy provides general expectations, “to maintain courteous and appropriate professional physical and emotional boundaries with students.”

The prohibitions are focused on protection of students from sexual misconduct and abuse including “contacting a student via social media for any harassing, discriminatory or illicit purpose” and “communicating with students about sexual topics verbally or by any form of written, pictorial or electronic communication.” The section specific to Electronic Communication states that staff members must maintain appropriate and professional boundaries with students while using electronic communication. The regulations, procedures and expectations for in-person communications at school are applied to electronic communication “regardless of when those communications occur.” Employees are discouraged from communicating with students electronically for reasons other than educational purposes.

Cross-referenced materials include:

Table 21

Cross-Referenced Materials for Relationship Boundary Policy

Law	Other Policy	Other Documents
<i>Gebser v. Lago Vista Ind. Sch. Dist.</i> , 524 U.S. 274 (1998) (sexual harassment)	Policy 506P (Personnel – Sexual Harassment/Harassment/ and Any Other Discrimination Based on Race, Color, National Origin, Age, Religion, Political Affiliation, Sex, Disabilities, or Veteran Status)	Office of Civil Rights: <i>Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties</i> (2001)

(continued)

Table 21 (cont.)

Law	Other Policy	Other Documents
<p><i>Baynard v. Malone</i>, 268 F.3d 228 (4th Cir. 2001) (sexual abuse)</p> <p><i>Rasnick v. Dickenson County Sch. Bd.</i>, 333 F.Supp.2d 560 (W.D. Va. 2004) (</p>	<p>Regulation 506R (Personnel – Sexual Harassment/Harassment/ and Any Other Discrimination Based on Race, Color, National Origin, Age, Religion, Political Affiliation, Sex, Disabilities, or Veteran Status)</p> <p>Policy 508P (Personnel – Child Abuse and Neglect)</p> <p>Policy 567P (Computer and Network Use)</p> <p>Regulation 567R-A (Personnel – Computer Network and Internet Use)</p> <p>Regulation 567R-B (Electronic Mail, Social Media and Networking)</p> <p>Regulation 567R-C (Personnel – Instructional Use of Social Networking Sites by Employees)</p> <p>JHG (Child Abuse and Neglect Reporting)</p> <p>GBA & JFHA (Sexual Harassment/Harassment Based on Race, Color, National Origin, Religion, Sex (Including Pregnancy), Gender, Marital or Economic Status, Age, Disability, Genetics, Or Veteran Status and retaliation Against Anyone Who Files A Complaint Of Discrimination, Participates In Such a Proceeding, or Otherwise Opposes Discrimination)</p>	<p>VBOE: <i>Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</i> (2011)</p>

Adoption and Revised/Reviewed dates range from December, 2012 to August 11, 2015.

Many of the policies include language addressing the high priority of student safety. There is content dealing with proper interactions to ensure student safety and an environment conducive to learning. There are several policies that reference law, policy, and other documents related to the protecting students from inappropriate interactions with educators. The next policy is included due to the many cross-referenced materials dealing with the subject of sexual misconduct.

Policies:
SB Policy 35-4.10, P 8-38

Policy Title:
 Prevention of Sexual Misconduct and Abuse

This policy applies to “in-person” or “online” interactions of employees with students. The policy’s purpose is to protect students from sexual misconduct and abuse. The policy puts clear and reasonable boundaries in place for interactions. Sections included in the policy are: Prohibition of Sexual Misconduct, In-Person Communication, Electronic Communication, Reporting Violations, Investigation and Consequences for Violations and Training. Policies instruct employees to maintain boundaries with students that are consistent with their roles as educators, mentors and caregivers. Personal contact is to be appropriate, nonsexual and unambiguous.

Cross-Referenced materials include:

Table 22

Cross-Referenced Materials for Sexual Misconduct Policy

Law	Other Policy	Other Documents
Va. Code Section 22.1-296.1,2,3,4 (criminal records check, fingerprinting, child abuse and neglect data)	School Bd. Policy 10-9	
Va. Code Section 63.2-1509 (penalty for failure to report suspected child abuse/neglect)	School Bd. Policy 20-2.500	
	School Bd. Policy 25-1.11, 15, 17	
	School Bd. Policy 35-3	
	School Bd. Policy 45-2	

Adopted/Last Revised/Reviewed dates range from September 12, 2011 to December 20, 2012.

The third and final category for the policy review is specific to social media. While this is the main topic of the study, separate policies dealing with social media are not as prevalent as the other policies being used to address social media issues. These policies also were not as accessible. The separate policies found are reviewed below.

Summary of Employee Conduct Documents

Employee conduct for educators is covered in many different areas of school policy. Policy manuals, employee handbooks and School Board policy address this important area of professional standards. Educators are expected to represent their schools, school divisions and professions with high moral character and strong ethical practices both in school and in the community. The policies are general in nature due to the impossibility of describing every moral issue and character trait expected of educators. One policy summed it up best by saying employees were to use “common sense, common decency and civility.” Employees are told to ask if they have questions about the policy. Employees are also told that it is their responsibility to know the law and policy.

Social Media Policies

Policies:

GAC	Policy 20-2.215	GAB-R/IIBEA-RR	GABA-E
GAB-R-1	GABB	GABC	
567R-C	GABA	GAB/IIBEC	

Policy Titles:

Employee Use of Social Media,
 Acceptable Use of Social Media,
 Social Media Guidelines for School Personnel,
 Social Media Policy and Guidelines,
 Staff Electronic Communication Policy,
 Instructional Use of Social Networking Sites by Employees,
 Use of Social Networking Sites by Employees,
 Electronic Communications Policy (Electronic Mail, Social Media and Networking),
 Use of Social Networking Sites by Employees
 Best Practices for Use of Social Media
 Use of Social Networking Sites by Employees

The Social Media policy contains sections such as: the Division’s mission of technology use for more effective teaching and learning, Instructional Purpose, Professional Use of Social

Media, and Personal Use of Social Media, including unacceptable conduct in electronic communications. Employees are instructed to observe professional standards, be transparent and professional in communications with students, maintain appropriate employee-student relationships, avoid posting or communicating in ways that violate laws or policies, disrupt the educational environment or affect the employee's ability to discharge job responsibilities.

The policies state that any social media groups created by employees in furtherance of fulfilling job responsibilities is the property of the division and must be accessible by supervisors. Employees creating groups for professional purposes must identify themselves as employees of the school division. All such professional groups are to be disclosed to the Division annually. Conduct prohibited in "the face-to-face instructional environment" is prohibited through electronic communication. The employee is charged with acting as a responsible representative of the school by avoiding posts with content that is inappropriate to minors. Employees are instructed to make student internet safety a priority.

Some policies mention illegal gambling, possessing or using alcohol or controlled substances, communications that encourage or indicate approval of violence or any illegal act as unacceptable electronic communication activities. Employees are reminded that students, families and community members can view posts through granted access or through lack of security. Employees are referred to as role models to students and ambassadors for schools.

Employees are reminded that they will be held responsible for the content of their social media and any material failing to comply with school policies, school regulations or laws may subject them to discipline. One reviewed policy expressly prohibited employees from mentioning, discussing or referencing the Division, school programs, school teams, school employees, students or their parents. This policy notified employees that policies regulating off-duty conduct apply to social media activity including policies related to public trust, illegal harassment, code of conduct and protecting confidential information.

Cross-referenced materials include:

Table 23

Cross-Referenced Materials for Social Media Policy

Law	Other Policy	Other Documents
Code of Virginia Section 63.2-1509 (Prevention of Sexual Misconduct and Abuse)	GAC-R (Social Media Regulations)	Guidelines and Resources for Internet Safety in Schools, VDOE (Oct. 2007)
Children’s Internet Protection Act (Federal Communications Commission Regulations)	IIBEA/GAB (Responsible Use of Technology)	Guidelines for the Prevention of Sexual Conduct and Abuse in Virginia Public Schools (VDOE, March 2011)
18 U.S.C. Section 1460 and Va. Code Section 18.2-372 (legal references to obscenity)	GAB/IIBEA (Acceptable Computer System Use)	
18 U.S.C. Section 2256 and Va. Code Section 18.2-374.1:1 (legal references to child pornography)	GAB/IIBEA-R (Acceptable Computer System Use Regulation)	
Va. Code Section 18.2-390 and 47 U.S.C. section 254(h)(7)(G) (legal references to materials harmful to juveniles and minors or otherwise inappropriate for minors)	JHA/GBAA(prevention of sexual misconduct and abuse)	
Va. Code Section 22.1-78 (bylaws and regulations)	Policy 35-4.10 (Prevention of Sexual Misconduct and Abuse) SB Policy 45-1.2 (Technology – Computer and Information Security) 45-1.5 (Technology – Networked Resources) 567P (Personnel – Computer and Network Use) 567R-A (Personnel – Computer and Network Use) 567R-B (Personnel – Electronic Mail, Social Media and Networking)	

(continued)

Table 23 (cont.)

Law	Other Policy	Other Documents
	GCPD (Professional Staff Members: Contract Status and Discipline)	
	GDPD (Support Staff Members: Contract Status and Discipline)	
	BF (Board Policy Manual)	
	CH (Policy Implementation)	

Adoption and Revision/review dates range from November 2011 to September 2016.

As with other policies, some divisions have accompanying regulations for social media policies. The reviewed Social Media regulations follow.

Policies:

GAC-R **Policy Implementation Procedures 20-2.125** **567R-B**
GAB-R2/IIBEA-R2

Policy Titles:

Social Media Regulations,
 Acceptable Use of Social Media,
 Electronic Mail, Social Media and Networking,
 Guidelines for Employees' Use of Social Networking Sites

The regulations are written in support of the social media policy. The regulation outlines Professional Responsibility. Employees are not allowed to post personally identifiable student or colleague information or photos without consent. Employees cannot use professional social media accounts when participating in the political process. Professional accounts must be kept up to date. Professional accounts must be registered with the school division. Parents must be made aware of professional accounts being used to contact their children.

Incidental personal use of social media is allowed as long as it does not result in direct costs to the school division, cause legal action against or cause embarrassment to the school division. There is a section of Disclaimers for school system liabilities and a requirement that employees identifying themselves as school employees include a disclaimer on their social media that the views are their own and do not reflect on their employer. There also are sections on Copyright and Fair Use, Instructional Use and Annual Disclosure of Social Media.

Some regulations remind employees that once electronic communications and information are posted or published online a digital imprint is created and is nearly impossible to retract. The employees are also told to maintain appropriate professional boundaries and authority as a classroom teacher. The employees are instructed to establish appropriate privacy settings, practice online reputation management and to consider the personal, professional and social effect of what they post. Cross-referenced materials include:

Table 24

Cross-Referenced Materials for Social Media Regulations

Law	Other Policy	Other Documents
	EGAA (Reproduction of Copyrighted Materials) GAC (Employee Use of Social Media) IIBEA/GAB (Responsible Use of Technology) JHA/GBAA, 35-4.10 (Prevention of Sexual Misconduct and Abuse) SB Policy 45-1.2 (Technology – Computer and Information Security) 45-1.5 (Technology – Networked Resources) SB Policy 45-2 (Acceptable Use of Electronic Networked Resources & Internet Safety)	

Adoption /Last Revised/Reviewed dates range from June 20, 2012 to February 4, 2016.

The following policy is specific to division access to employee personal social media accounts. The policy assures educators that divisions will not pursue access to social media sites for unwarranted access. This policy was listed by a couple of survey respondents under policy used to address educators’ use of social media.

Policy:

GAD

Policy Title:

Access to Employee Social Media Accounts

The GAD policy states that the school board does not require current or prospective employees to disclose usernames or passwords to the employee’s personal social media accounts, nor are employees required to add another employee, supervisor or administrator to the list of contacts associated with personal social media accounts. If the School Board inadvertently receives the username and password information through the employee’s use of social media on school equipment or division network monitoring, the Board will not be liable for having the information but will not use the information to access the social media accounts.

This policy also states that School Boards and their agents are not prohibited from viewing publically available information. The policy does not prohibit the School Board from requesting employee usernames and passwords for the purpose of accessing personal social media accounts if the account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the Board of allegations of an employee’s violation of federal, state, or local laws or regulations or written policies of the Board. The exercise of this right would only be used for the purpose of the formal investigation or related proceeding.

Cross-references for this policy include:

Table 25

Cross-Referenced Materials for Access to Social Media Account Policy

Law	Other Policy	Other Documents
Va. Code Section 40.1-28.7:5 (Social Media Accounts for Current and Prospective Employees)	GAB/IIBEA (Responsible Use of Technology) GAA-R/IIBEA, IIBEA (Acceptable Computer System Use) GAB-E1/IIBEA-E2 (Acceptable Computer System Use Agreement) GAZA (Employee Social Media Use) GCPC (Standards of Conduct for employees) GCPC-BR (Standards of Staff Conduct) GAB/IIBEA-M (Acceptable Computer System Use)	

The Adopted/Last Revised/Reviewed dates range from January 2013 - May 5, 2016. The policies reviewed used essentially the same language with the name of the school division being the only exception.

Summary of Social Media Policies

Social media policies are sometimes included in AUPs. Some AUPs have added a social media section to specifically address the issue. However, some school divisions have created separate policies dedicated solely to social media use. Professional conduct is often a large part of the content covered. Behaviors not acceptable in face to face communication are not acceptable through electronic communication. Much of the content mirrors AUP topics as both address electronic communication and school divisions' intention for technology to serve an educational purpose.

Policy Review Findings for Research Question 4

The policy review revealed that Virginia school divisions do have policies in place to address educators' use of social media. All 95 responding divisions identified policy used to address this topic. Strong similarities in content and language were revealed in the policy summaries. Policy form and titles vary, as evidenced by the listing of many policies and policy titles under each policy type. The expectations and prohibitions detailed in the policies reviewed are clear in definition and meaning. Consequences are well defined. What isn't clear is how the policy is communicated to employees. Some policy requires employee signatures but much of the policy reviewed does not.

The review is not all-inclusive, as review was confined to an examination of policy accessible by school division websites. Some policy was difficult to locate due to wide-ranging website organization and varying titles and policy locations. Since survey respondents identified types of policies rather than specific policy other policies may exist that researcher did not locate or review. Email requests were made in some cases to human resource departments when policies could not be found (employee conduct policies). Responses to those emails identified conduct policy within board policy and employee handbooks, as opposed to separate documents. Diligent effort was made to locate and review policies in each identified area.

The next step in review was undertaken to look for patterns within specific school division regions. This step was important in the examination of regions to investigate common practices and consistency.

Wave 2: Regional Similarities in Policy Practices

The second wave of examination was a review of policy practices for similarities within regions. For this phase of examination an excel data sheet was created from the Superintendent Survey responses. The survey results were coded by researcher on an EXCEL checklist of variables. (see Appendix O) From the checklist, emerging patterns were transcribed into a summary of the responding region's report.

Region I – Central Virginia

The Central Virginia region has 15 school divisions. The response rate for this region was 53%. Every reporting division in the region identified an AUP as policy being used to address educator's use of social media. All divisions had AUP policies available electronically. All but two used VSBA guidelines to develop policy (two respondents did not answer). All but two divisions provide AUP information annually. All but two divisions reported Unprofessional Comments as being an infraction of policy during the defined two-year period (2015-2017). All divisions reported handling issues at central office or building level. All but one of the reporting divisions identified handling issues by verbal reprimand. All but two divisions reported the highest cost to the division was administrative hours spent handling the issues. All but one division reported concern regarding social media issues in their divisions.

Region II – Tidewater

The Tidewater region has 15 school divisions. The response rate for this region was 60%. Every division in the region identified an AUP as policy being used to address educator's use of social media. All but one division (one did not answer) reported that their AUP was available electronically. All but two divisions used VSBA guidelines to develop policy (one respondent did not answer). All divisions reported handling issues at central office or building level. All but one division reported Unprofessional Comments as being an infraction of policy during the defined two-year period (2015-2017). All but two of the reporting divisions identified handling issues by written reprimand. All but two divisions reported that parents were aware of

social media infraction issues. All but two divisions reported the highest cost to the division was administrative hours spent handling the issues.

Region III – Northern Neck

The Northern Neck region has 17 school divisions. The response rate for the region was 59%. Every division in the region identified an AUP as policy being used to address educators' use of social media. All divisions but one reported that AUP policies were available electronically. The only other common factor across the division was the level of concern every division reported regarding social media issues.

Region IV – Northern Virginia

The Northern Virginia region has 19 school divisions. The response rate for the region was 80%. All but one division in the region identified an AUP as policy being used to address educators' use of social media. All but two divisions (one responded "I don't know") reported AUP policies available electronically. All but two divisions reported their policies were effective all or most of the time. All but two divisions (one answered "I don't know") reported concern regarding social media issues in their divisions.

Region V – Valley

The Valley region has 20 school divisions. The response rate for the region was 60%. Every division identified AUP as policy being used to address educators' use of social media. All but one division reported having an AUP available electronically. All but two divisions identified Code of Conduct as policy being used to address educators' use of social media. All but two divisions reported their policies were effective all or most of the time. All but two divisions reported Unprofessional Comments as being an infraction of policy during the defined two-year period (2015-2017). All but two divisions reported the building administrator having awareness of social media issues that had occurred. All divisions reported handling issues at central office or building level. All but two reporting divisions identified handling issues by written reprimand. All but two divisions reported concern regarding social media issues in their divisions.

Region VI – Western Virginia

The Western Virginia region has 15 school divisions. The response rate for the region was 86%. Every division identified AUP as policy being used to address educators' use of social media. All but one division reported having the AUP available electronically (one no answer). Every division reported concern regarding social media issues in their divisions.

Region VII – Southwest

The Southwest region has 19 school divisions. The response rate for the region was 84%. Every division but one identified AUP as policy being used to address educators' use of social media. Every division reported having the AUP available electronically. All but two divisions reported handling issues at central office or building level. All but one division reported handling between 1-4 social media issues within the defined two-year period (2015-2017).

Region VIII - Southside

The Southside region has 12 school divisions. The response rate for the region was 83%. Every division identified AUP as policy being used to address educators' use of social media. Every division but one reported having the AUP available electronically. All but two divisions reported having between 1-4 social media incidents within the defined two-year period (2015-2017). All but two divisions reported Unprofessional Comments as being an infraction of policy in their division. All but two divisions reported handling issues at central office or building level. All but two divisions identified handling issues by verbal reprimand.

Findings of Regional Policy Practice Trends for Research Question 4

The survey responses from the eight regions of Virginia were coded on an excel spread. The data sheet was color-coded to identify responses from each region. The survey identified policy, policy practices and communication of policy. The examination of data across regions identified the content of policies as a common factor. The divisions within most regions were autonomous in their policy practices and communication of policy.

Wave 3: Examination of Cross-Referenced Materials

The third wave of examination was a review of cross-referenced materials in identified policy. The results of this review are listed within tables at that end of each policy narrative section. The tables list cross-referenced materials by type: law, policy, and other documents. There are notations for each item listed as to the content of the document so that any relevance to educators' use of social media can be understood.

Findings from Cross-Referenced Materials for Research Question 4

The cross-referenced materials for the three types of policies (AUPs, Employee Conduct and Social Media) show some overlap. Virginia Code, Title 18 (Crimes and Offenses) and Title 22.1 (Education) are referenced for all three types of policy. Both AUP and Social Media policies refer to U.S.C. 18 (Crimes and Criminal Procedure). Illegal behavior is not acceptable for educators in any context. School policy topics are repetitive in each category as well. The area with the most variance was cross-referenced documents that were not law or policy. These were State Guidelines on the topics of Internet Safety, Sexual Misconduct, Sexual Harassment and Electronic Communications. Virginia law, governmental agencies and departments have provided the information and guidance necessary for Virginia school divisions to develop effective policy.

Wave 4: Examination of Statewide Trends- Findings for Research Question 4

The fourth wave of examination was to examine the policies from a viewpoint across divisions to illuminate trends or patterns that are statewide. Response to Superintendents' Survey item Q2 revealed 98% of the 95 respondents are using Acceptable Use Policies (AUP) to address educators' use of social media issues. Survey item Q2 allowed multiple responses for divisions and many divisions identified several types of policies as opposed to one. Of the 95 respondents, (54%) identified the Code of Conduct as policy used to address educators' use of social media issues. Social media policy was also identified as policy used to address educators' use of social media by thirty-two percent (32%) of respondents.

The policies identified across the state to address educators' use of social media issues were consistent. The exact combination of policy used varied. There were 32 divisions who reported using both AUP and Conduct policies. There were 22 divisions who reported only

using an AUP. There were 17 divisions who reported using AUP, Code of Conduct and Social Media policies. There were 14 divisions who reported using AUP and Social Media policies. There were four (4) divisions who reported using AUP and Employee Handbook policies. There were two (2) divisions who reported using AUP, Code of Conduct and Board policies. There was one division who reported only using Code of Conduct, one division who reported using Code of Conduct and Social Media polices, one division who reported using AUP and School Board policies and one division who reported using AUP and Staff Boundary policies. This information is shown below on Table 26 for ease of reference.

Table 26

Virginia School Divisions' Policies Used to Address Educators' Use of Social Media

Policies Used to Address Educators' Use of Social Media Issues	Number of Divisions Reporting
AUP and Code of Conduct	32
AUP	22
AUP, Code of Conduct and Social Media	17
AUP and Social Media	14
AUP and Employee Handbook	4
AUP, Code of Conduct and School Board	2
Code of Conduct	1
Code of Conduct and Social Media	1
AUP and School Board	1
AUP and Staff Boundaries	1
Total Respondents	95

The Superintendent Survey results revealed that the majority of divisions across the state are using the same resources for policy development. Most divisions reported more than one resource for policy development. A table displaying each survey respondent (by an assigned number), resource(s) used for policy development, and policy names is included (see Appendix M), so that reviewed policy is identified separately for each responding division. The infractions reported for each division are also displayed.

The original research plan was to develop a meta-matrix detailing common characteristics of policies so that they could be compared and contrasted. However, the overlap and consistency of the topics across the policy categories made this idea ineffective. Often exact phrases were carried over from policy to policy, but policy names and organization (including regulations or not) make pinpointing a policy impossible. This would mean grouping the policies into the three major categories and even across the categories content differences are small and insignificant to the purpose of the study. The commonalities are many. All three policy categories reference the educational purpose of technology use. All three policy categories reference prohibiting illegal material. All three policy categories reference professional use and expectations. The differences that do exist are more in format or detail added to the main content of policy. Therefore, a meta-matrix will not be provided and readers will be referred to the policy summaries instead.

While a meta-matrix comparison of the characteristics was not completed, attribute charts for the three policy categories are included. The attributes are derived from legal materials and guideline documents as noted on each chart. The attributes were developed in order to gauge policy quality by use of legal and established standards. Only the attributes pertaining or relating to social media use and interactions are delineated. (see Appendix N) The attribute tables are intended to provide evaluation support to divisions reviewing their AUP, Employee Conduct and Social Media policies.

The final model included in the study contains characteristics found to be empirically meaningful in all or most policies. This model pulls together the data into a single summarizing form. The most influential characteristics are limited to the top nine identified recurring characteristics in the reviewed policies. These are not listed in an estimated order of importance due to overlap in content between the policies and the dependence of importance of each factor to the policy type.

Table 27

Meaningful Policy Characteristics

Characteristics	Meaningful Policy Characteristics		
	AUP	Conduct	Social Media
Purpose/Mission – educational focus	X		X
Use is a privilege not a right	X		
Use is monitored	X		X
Prohibitions	X	X	X
Not a public forum	X		X
Security/Privacy settings	X		X
Disclaimer/Liability	X		
Requirements/Responsibilities/Expectations	X	X	X
Consequences	X	X	X

The overall common policy features are expectations, prohibitions and consequences. This is no different from other types of policy. Policy is written to define what to do, what not to do and what happens if you fail to follow the dos and the don'ts. The common features between the AUP and the Social Media policies are more reflective of the policy used to address educators' use of social media. The fact that conduct policy is used to define unacceptable behaviors and behavioral expectations during social media use is to be expected due to the fact that it is not the use of social media but how it is used that causes issues for educators.

CHAPTER 5

CONCLUSIONS, IMPLICATIONS AND RECOMMENDATIONS

This chapter presents a summary of the study and important conclusions drawn from the data presented in Chapter 4. It provides a discussion of the implications for action and recommendations for further research.

Summary of the Study

While the advances in technology, including social media sites, have presented school divisions with many opportunities to expand the learning environment beyond the classroom, educators' use of social media outside the classroom has created problems in the school environment. Educators' social media use has been an issue across the Commonwealth of Virginia. Educators have been terminated (reported by 13% of responding divisions), suspended (reported by 20% of responding divisions) and reprimanded (73% of responding divisions reported written reprimands and 66% reported verbal reprimands) for online behaviors that reflect on their professional reputation and the reputation of their schools.

This study provides a current analysis of Virginia school divisions' progress in development of policy that addresses inappropriate social media communication, as well as the divisions' struggles with the issue. This study was designed to better understand Virginia school divisions' practices when dealing with the phenomenon of teacher social media misuse. In order to explore the phenomenon of educators' use of social media, the following research questions were asked.

1. How have the Courts interpreted the rights of educators in cases involving online speech?
2. What is the experience with educators' inappropriate use of social media for Virginia school divisions?
3. How are Virginia school divisions addressing educators' social media dilemmas?
4. What are the characteristics of current school policies used to address social media issues in Virginia?

A descriptive case study approach was taken in order to describe the phenomenon of educators' misuse of social media, as it exists in Virginia. Multiple data sources were used in order to provide a snapshot of the phenomenon in Virginia school divisions. A review of case

law pertaining to government employees' (specifically educators) free speech rights as extended to social media use was the first data reviewed. The case law review was followed by a survey of Virginia school superintendents covering the school divisions' experiences with the phenomenon, the policies in place to address educator social media issues and practices of the divisions in handling the issues. The final data source was a review of the policy identified through the Superintendent Survey.

Summary of Findings

The sparse case law dealing specifically with educators' use of social media indicates that most teachers sanctioned for online conduct are disciplined at an administrative level and those decisions will not likely find relief in the courts. Clearly, the efficient operation of schools trumps personal communication in an online setting. The Superintendent Survey revealed that most issues were handled at an administrative level by Central Office or Building Level administrators (88% of responding divisions).

As for educators' claims of First Amendment free speech rights for online communication, the four major factors taken into consideration by the Court when balancing the right of the employee to make the speech and the right of the employer in regulating the speech remain: "the degree to which the speech: (1) interfered with employee performance, (2) created disharmony among co-workers, (3) undermined an immediate supervisor's effort to maintain discipline over an employee and (4) undermined the relationship of loyalty and trust required of confidential employees (Alexander & Alexander, 2012).

The Superintendent Survey identified the most frequent infraction of educators' in the online setting was unprofessional comment. If these comments create lack of respect for the educator in their role as teacher or supervisor then it can be argued that job performance may be compromised. If the comment denigrates the school system or colleagues it can be argued that disharmony has occurred. An argument could also be made that the employer has the right to control the speech if the comment creates a lack of community trust. The Superintendent Survey identified loss of community trust or respect as a consequence experienced by the school division in 41% of the responding divisions.

Reviewed policy reflected the four major factors in balancing employees' rights to make the speech with the right of employers to regulate the speech in the sections covering

unacceptable behaviors. While specifics regarding the unprofessional comments were not gathered in the data, the wide range of conditions on speech from the four major factors will most likely leave most unprofessional comments unprotected by first amendment rights and in violation of school division policy.

Regarding defense of online speech related to public concern, policy notifies users of the school division computer system that the school computer system is not a public forum (AUP policies). Therefore, educators using the school computer system should not expect to use the system to discuss public matters. Also, according to the Court in *Connick (1983)* speech made to further a purely private matter is not protected by First Amendment free speech rights. Many of the cases reviewed reflected the Court's determination that the speech was simply self-expression.

Disruption to the school environment, potential or realized, is one factor that surfaced in the legal cases reviewed. The Superintendent Survey identified the audience for social media issues and found that generally student stakeholders are less aware of teacher social media problems (41% of divisions reported student awareness). While teachers have taken steps to exclude their students from their social media accounts, the survey identified colleagues (65% of divisions reported awareness) and parents (64% of divisions reported awareness) as stakeholders who most often are aware of and reporting teachers' online comments and interactions (75% of divisions received reports from colleagues, 66% of divisions received reports from parents and 16% received reports from students). Wide spread stakeholder knowledge can be argued as potentially disruptive. Virginia school divisions are not actively patrolling social media sites (see policy GAD) but once a report is made, have expressly reserved the right to request username and password information for social media sites in order to monitor, review and read online materials in connection with investigation of the reports that are received.

The phenomenon of social media use by educators creates issues for school divisions across Virginia. Incidents were reported by 89% of responding divisions. Although there is little defining case law, state law (Va. Statutes) and educational agencies (NSBA & VSBA) have provided guidance and support to assist school divisions in development of policy to address issues arising from the phenomenon. Of the 95 responding school divisions, 76% reported using these resources for policy development. Superintendents, while concerned about the issue (90% reporting concern), do feel that the policies in place are effective (89% reporting policy as

somewhat to always effective). Researcher acknowledges that survey bias may exist for level of concern. The 35 non-respondents may have chosen to not respond to the survey due to a lack of concern regarding the topic.

The school division policies contain descriptive and guiding content to proactively address social media misuse. The findings differ from the law review recommendations, examined in Chapter 2 of this study, proposing the need for more policy or policy revision. Sufficient policy exists in Virginia to address educators' use of social media (see Appendix M). While divisions are autonomous in policy implementation and enforcement practices, the policy in place is consistent in content and intent.

The divisions appear more autonomous in experiences with social media issues, communication of policy and factors considered when addressing infractions of policy. However, in the policies examined from the 95 responding school divisions there was consistent subject matter/topics with comparable language based on Virginia law (see law section of cross-referenced tables). Policy names and formats differed across divisions but content remained constant. The level of description in areas of unacceptable behaviors, expectations and methods of enforcement varied. However, policies not as descriptive were general enough to be applied to specific circumstances. The recurring topics, phrases and terms make it clear that guiding models exist and are being used.

Conclusions

Existing policy regarding educators' social media use adequately provides guidance and clear expectations for educators who are knowledgeable of school division policies. Knowledge of the policies is key to whether policy is reactive or proactive. Communication of social media related policy to employees needs to be thorough and ongoing. The abundance of cross-referenced laws and policies reveals a layering of policy information. While educators may read and sign the AUP annually, they most likely do not read the cross-referenced materials that would further define issues and inform them.

While AUPs often are shared annually with employees, school policy, employee handbooks and social media policies may not be. Personnel policies make it the responsibility of the employee to know the law and policy related to their job. Realistically, this probably does not happen. Employees may have already violated the policy before they are aware of its

existence. This makes policy reactive in nature. If school divisions want to make social media policy proactive, efforts to educate employees will need to be made.

Professional development regarding areas of policy with recurring infractions would be worthwhile for school divisions. The Superintendent Survey revealed that 67% of responding school divisions consider the administrative hours spent dealing with educators' social media issues as the highest consequence to the division.

Implications for Action

The reviewed policy and Virginia law are closely related. Educator lack of legal knowledge is well established (Eberwein, 2008; Militello, Schimmel & Eberwein, 2009; Schimmel & Militello, 2007). The findings from current case law regarding educator online speech could be used to develop a brief online click through training module. Individual schools or school divisions could use the module, consisting of a short comprehensive quiz, to inform and educate teachers on the law regarding educators' free speech rights on social media and the school division's policies regarding the same.

The uniformity of AUPs is the most consistent of policies studied. The use and accessibility of AUPs was also the greatest. Conduct policies were the most difficult to locate and most diversely distributed among documents. Uniformity in format and location could improve accessibility and awareness of conduct policies. A separate conduct document that is signed annually could improve employee awareness of expectations. School divisions should not assume that employees know or will demonstrate appropriate conduct. Staff/Student Boundary policies were uncommon but could effectively address inappropriate interactions between educators and students. The effort to reinforce conduct expectations may be more beneficial than creating or addressing social media expectations through social media policy. The issue is not the conduit but the conduct.

Despite policy in place, educators' continue to struggle with appropriate decisions in the arena of social media use and professional conduct. State requirements for re-licensure classes/courses could be implemented. Passive dissemination of policy may not be enough to ensure educators are well informed and knowledgeable of expectations.

Recommendations for further research

The study did not gather data distinguishing between illegal acts using social media and acts that violated policy but not law. The number of divisions reporting inappropriate communication with students (40%) is surprising and concerning. Further investigation of these infractions may be warranted. The safety and well-being of students should be a priority for every educator.

The study was dependent upon response from school division superintendents. There may be other personnel who are better suited to respond to the survey questions regarding policy. Several respondents admitted not knowing what guidelines/materials were used to develop policy regarding social media, how it is communicated, how often it is communicated, or how issues involving social media problems are resolved. The implementation of policy can be just as important as the content.

To improve the policy review method of this study, survey respondents could be asked to specifically identify the policies that are used instead of the type of policy used. Inadvertently overlooking policy is a concern when broad searches are completed. Specifics were not requested in this study out of respect for the time and labor requirement this would add for responding superintendents.

Student use of social media has become increasingly concerning. Accounts of threats, cyberbullying, sexually explicit communications and inappropriate sharing are frequent. These behaviors are not confined to off campus. School administrators are faced with school climate issues as a result. The law for student speech is quite different than government employee speech. A study investigating school policy for students using social media would be relevant to the times.

Concluding Remarks

Educating employees is paramount to successfully making policy proactive rather than reactive. Perhaps the best place to begin would be teacher education programs for students pursuing careers in education. Getting in front of the problem with curriculum including ethics, professional standards and professional conduct material could well be the most beneficial approach to the problem.

The main issue with educators' use of social media is not the technology. While the technology creates wider exposure of behaviors to a larger audience, it is the conduct that lies at the heart of the matter. Teachers are held to a higher standard and that requires higher levels of ethics and responsibility. The role model expectation for educators is well established. Regardless of the time, the place or the medium there is a professional expectation that sets educators apart from private citizens.

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APPENDIX A
SOCIAL MEDIA IN THE NEWS

Source	Incident Description	Consequence	Category
April 2008 article published in NEAtoday “The Whole World (Wide Web) is Watching”	Broward County, Florida band director posted musings about sex, drugs, and depression. ⁱ	Dismissed	Inappropriate MySpace content
SAA (same as above)	Colorado English teacher composed and posted sexually explicit poetry.	Dismissed	Inappropriate MySpace content
SAA	Nashville, Tennessee teacher posted “racy” photos	Dismissed	Inappropriate photos
SAA	St. Augustine, Florida Middle School teacher posted inappropriate photos of himself.	Terminated	Offensive and unacceptable photos on MySpace
SAA	Massachusetts teaching assistant posted sexually aggressive photos, videos of drinking, and offensive comments	Suspended, and then fired. Reinstated with reprimand (3-day suspension), back pay, and seniority.	Inappropriate MySpace content
November 2008 newspaper article in the Charlotte Observer “Teachers and Facebook: Privacy vs. standards”	Charlotte-Mecklenburg teacher posted, “teaching chitlins in the ghetto of Charlotte” and “teaching in the most ghetto school in Charlotte” ⁱⁱⁱ	Suspended for racially insensitive comments, which would affect the teacher’s ability to interact with students and parents.	Comments about students on her Facebook page.

(continued)

Source	Incident Description	Consequence	Category
February 6, 2009 news blog on WKOW.COM titled “Teacher with Facebook gun photo remains on leave,” Madison WI Breaking News	Beaver Dam, Wisconsin middle school teacher posted a picture of herself training her rifle at the camera on her Facebook page. ⁱⁱⁱ	Placed on administrative leave but later reinstated without disciplinary action.	Poor judgment in posting this photo on social media.
October 2010 Herald-Tribune article “Manatee teacher defends use of social websites” ^{iv}	Public school teacher posted comments with students in which he shared stories of drinking too much, questionable photos, and wrote profane acronyms.	School officials tried to fire Willis but he kept his job and received a brief suspension.	Inappropriate on-line communications.
February 2011 article in USA Today “Pa teacher strikes nerve with “lazy whiners’ blog”	Philadelphia, PA high school teacher posted profanity-laced blog berating students with comments like “they are rude, disengaged, lazy whiners” ^v	Suspended for blog and later fired for poor performance. Teacher sued school district in June of 2012 for violation of free speech rights by harassing and retaliating against her. ^{vi}	Comments on blog about students and parents.
April 2011 online UPI article “Teacher sued for Facebook posting”	Chicago, IL elementary computer teacher posted a photo of a student’s hairdo and commented “And y’all thought I was joking.” ^{vii}	Lawsuit filed by parent naming teacher and school district as defendants and alleging emotional distress to the student.	Unprofessional judgment in posting photos and comments on Facebook.
May 26, 2011 Boston Globe article “Teacher Fired Over Friending”	Substitute teacher fired for friending students ^{viii}	Termination	Inappropriate Communication with students on Facebook.

(continued)

Source	Incident Description	Consequence	Category
August 18, 2011 Sun Sentinel article “Veteran Teacher Suspended over Facebook Post: Anti-Gay Comments Spark Outrage”	Florida public school teacher made headlines when he was investigated for making anti-gay comments on his Facebook page.	Jerry Buell was suspended and investigated by the school district, but was later reinstated and returned to teaching.	Violating the school district’s code of ethics
October 2011 MailOnline article “Teacher to lose job for Facebook messages about school celebrating gay rights after she said homosexuality was a sin”	New Jersey special education teacher posted objections to and comments about a school display promoting sexual diversity. ^{ix}	Suspended and board recommended firing. Case went to an administrative law judge in May 2012. ^x Teacher filed for disability and retirement and later resigned.	Facebook comments considered discriminatory and classified as unbecoming conduct.
October 2011 Atlantic Journal – Constitution article “Court rules against Ashley Payne in Facebook case”	Atlanta, GA teacher posted photo of herself holding wine and beer and posted that she was going to play “crazy bitch bingo” on her Facebook page. ^{xi}	Teacher resigned and later said she was forced to do so. Teacher filed a lawsuit but court dismissed the case due to the fact the teacher was not unjustly terminated. She resigned.	Inappropriate photos and comments on Facebook.
November 2011 NorthJersey.com online article, “Paterson teacher suspended for Facebook post should be fired, judge rules”	Paterson, NJ first grade teacher posted a comment referring to her students as “future criminals.” ^{xii}	Suspended and later fired. Teacher appealed but Superior Court upheld the dismissal. ^{xiii}	Facebook post created serious problems that would impede the functioning of the school.

(continued)

Source	Incident Description	Consequence	Category
April 2012 Huff Post Education online article, “Kimberly Hester, Michigan Teacher's Aide, Files Lawsuit For Losing Job After Denying School District Access To Facebook”	Michigan elementary school teacher’s aide posted a photo on Facebook that was reported to her administrators who demanded her password. She denied them access to her Facebook account. ^{xiv}	She was placed on unpaid leave and a private arbitration hearing was scheduled for May. ^{xv}	Unprofessional conduct.
July 2012 Herald-Tribune online article “Facebook comment could cost Manatee County teacher her job” ^{xvi}	Manatee County, Fl. Elementary school teacher posted a comment about one of her students saying “may be the evolutionary link between orangutans and humans”	Disciplined by principal.	Unprofessional conduct.
September 2012 Education Tech News e-newsletter “Teacher Suspended for Facebook gaffe”	Gaston, NC high school English teacher posted students work with comments about grammar and spelling errors. ^{xvii}	Suspended with pay, pending an investigation.	Comments and materials posted on Facebook may violate Code of Conduct regarding professional judgment in the use of social websites.

(continued)

Source	Incident Description	Consequence	Category
October 2012 online Madame Noire article, “Teacher suspended for Facebook jokes about shooting nappy-headed, dirty students”	Memphis, TN elementary school teacher posted ““How bout I blasted both of them. The girl in my class hair is nappy almost every day and the boy wears dirty clothes, face nasty and can’t even read. They didn’t bother nobody else when I got through with them.”... ^{xviii}	Suspended without paid.	Facebook posts show lack of professionalism.
January 2013 online article, “Carly McKinney aka Crunkbear: High school teacher tweets nude photos, brags about weed.”	Colorado high school math teacher posted comments about smoking marijuana, referred to students as jailbait, and posted inappropriate photos of herself. ^{xix}	Suspended and later dismissed.	Impropriety
May, 2013 The New York Times Teacher’s Facebook Posts Didn’t Warrant Firing, a Panel Upholds	New York teacher was recommended for termination due to Facebook post referencing recent drowning of a student and ranting about her own students. ^{xx}	Termination was recommended and carried out. The teacher filed suit and the court found that punishment was too harsh and remanded the case to the N.Y.C. Dept. of Ed. for imposition of a lesser penalty.	Facebook comments considered to be offensive. Note: Original hearing officer found the comments made were posted as a teacher and did not pertain to a matter of public concern, therefore they were not entitled to First Amendment protection

(continued)

Source	Incident Description	Consequence	Category
November, 2016 The Daily Progress	Charlottesville, Virginia computer science teacher at Albemarle High School was placed on administrative leave for “homophobic slurs, racist and misogynistic rhetoric” posts and comments on Facebook and Twitter	Teacher was placed on administrative leave and later resigned from both his teaching position and his position on the Virginia Board of Education	Inappropriate and offensive online content/comments

APPENDIX B
APPLICATION OF LEGAL PRECEDENT

Case	Court	Applied Precedent
<i>Piver v. Pender County Board of Education</i> (1987)	United States Court of Appeals, Fourth Circuit, 835 F.2d 1076	<i>Pickering-Connick</i> Speech regarded a matter of public concern and Plaintiff's right outweighed the governmental interest in regulating the speech
<i>Kinsey v. Salado Independent School District</i> (1992)	United States Court of Appeals, Fifth Circuit, 950 F.2d 988	<i>Pickering-Connick</i> While speech regarded a matter of public concern it was disruptive to the workplace and therefore not protected by the First Amendment
<i>Stroman v. Colleton County School District</i> (1992)	United States Court of Appeals, Fourth Circuit, 981 F.2d 152	<i>Connick</i> Government interest outweighed any speech afforded First Amendment rights
<i>Meltzer v. Board of Education of the City School District of the City of New York</i> (2003)	United States Court of Appeals, 2 nd Circuit, 336 F.3d 185	<i>Pickering</i> Free speech right outweighed by government interest.
<i>Gilder-Lucas v. Elmore County Board of Education</i> (2006)	United States Court of Appeals, Eleventh Circuit, 186 Fed. Appx. 885	<i>Garcetti</i> Speech was within the course of job responsibilities – not protected by the First Amendment
<i>Pagani v. Meriden Board of Education</i> (2006)	United States District Court District of Connecticut, (D. Conn. 2007) 2006 WL 3791405	<i>Garcetti</i> Speech was part of official duties- not protected by the First Amendment
<i>Casey v. West Las Vegas Independent School District</i> (2007)	United States Court of Appeals, Tenth Circuit, 473 F.3d 1323	<i>Garcetti</i> Speech was within the course of job responsibilities – not protected by the First Amendment

(continued)

Case	Court	Applied Precedent
<i>Williams v. Dallas Independent School District</i> (2007)	United States Court of Appeals, Fifth Circuit, 480 F.3d 689	<i>Garcetti</i> Speech was within the course of job responsibilities – not protected by the First Amendment
<i>Spanierman v. Hughes</i> (2008)	United States District Court 576 F. Supp 2d 292	<i>Pickering-Connick</i> Speech was made as a public employee, was disruptive to the school environment and did not address a matter of public concern
<i>Snyder v. Millersville University et al</i> (2008)	United States District Court, 2008 WL 5093140 (E.D. Pa., 2008)	<i>Pickering-Connick</i> Speech was made as a public employee and did not address a matter of public concern
<i>Richerson v. Beckon</i> (2009)	United States Court of Appeals, 337 Fed. Appx. 637	<i>Pickering-Connick</i> Speech disrupted co-worker relations, eroded a close working relationship premised on loyalty and confidentiality and interfered with the speaker’s performance at her duties
<i>Weintraub v. Board of Education of the City District of the City of New York</i> (2010)	United States Court of Appeals, Second Circuit, 593 F.3d 196	<i>Garcetti</i> Speech was within official job duties – not protected by the First Amendment

APPENDIX C
SURVEY

Use of Policy to Address Educators' Use of Social Media

*Q1 Instructions: This survey is designed to define the scope and effect of educator social media issues in Virginia. The policies, infractions, and issues referenced are those regarding **educator use of social media communication (SCM)**. No identifying information for the respondent or the school division will be used in data reports. Any survey item respondent does not wish to answer may be skipped. This survey is voluntary and consent for researcher to use the information for the purpose of completing a dissertation study is given by participants through completion of the survey.*

START HERE

Q2. What policies, if any, does your school division have in place to deal with school employees' online behavior? (Mark all that apply.)

- Acceptable Use Policy (AUP)
- Code of Conduct
- Social Media Policy
- Other _____
- Additional _____
- I don't know
- None **IF NONE, SKIP TO QUESTION 7**

Q3. Are policies, identified in question #1, available on your school website?

- | | | |
|------------------------------------|---------------------------|--------------------------|
| AUP (acceptable use policy) | <input type="radio"/> Yes | <input type="radio"/> No |
| Code of Conduct | <input type="radio"/> Yes | <input type="radio"/> No |
| Social Media Policy | <input type="radio"/> Yes | <input type="radio"/> No |
| Other _____ | <input type="radio"/> Yes | <input type="radio"/> No |
| <input type="radio"/> I don't know | | |

Q4. To what extent has established policy, identified in question #1, been effective in addressing employee online behaviors that have occurred?

- All of the time
- Most of the time
- Some of the time
- Seldom
- Never
- I don't know
- No situations have occurred

Q5. How are the policies, identified in question #1, communicated to school employees?
(Mark all that apply)

AUP (acceptable use policy)

- Copies provided and signature required at time of hire
- Copy provided and signature required annually
- Contained in Employee handbook
- Professional development session(s)
- Other _____
- I don't know

Code of Conduct

- Copies provided and signature required at time of hire
- Copy provided and signature required annually
- Contained in Employee handbook
- Professional development session(s)
- Other _____
- I don't know

Social Media Policy

- Copies provided and signature required at time of hire
- Copy provided and signature required annually
- Contained in Employee handbook
- Professional development session(s)
- Other _____
- I don't know

Other _____

- Copies provided and signature required at time of hire
- Copy provided and signature required annually
- Contained in Employee handbook
- Professional development session(s)
- Other _____
- I don't know

Q6. What guidelines/materials were used to develop any policy used to address social media issues? (*Mark all that apply*)

- NSBA guidelines/recommendation
- VSBA guidelines/recommendations
- School Board drafted policy (not copied from VSBA or NSBA)
- Virginia statute(s)
- Virginia Department of Human Resources Administration policy
- I don't know
- Other _____

Q7. How often are educator Social Media Communication policies reviewed with employees? (Mark any that apply)

- Only at time of hire
- Upon each revision
- Annually
- Upon infraction
- I don't know
- Other _____
- Never

Q8. In the past 2 school years (2015-2016 and 2016-2017), approximately how many incidents have occurred in your school division requiring administrative review of online behavior of a teacher, administrator or other school employee?

- 1-4
- 5-9
- 10-15
- 16-20
- More than 20
- I don't know
- None

IF NONE SKIP TO QUESTION 15

Q9. What type(s) of infractions occurred? (Mark all that apply)

- Inappropriate communication with student
- Unprofessional comment(s) regarding school, colleague(s), student(s) or parent(s)
- Breach of confidentiality
- Inappropriate photo(s)
- Conduct unbecoming a teacher (profanity, inappropriate content shared)
- I don't know
- Other _____

Q10. How did infraction(s) come to light? (*Mark all the apply*)

- Report by colleague
- Report by student
- Report by parent/guardian
- Report by community member
- Media report
- Other _____
- I don't know

Q11. Which of the following stakeholders had knowledge of the social media incident(s)? (*Mark all that apply*)

- Parents
- Other school employees
- Students
- Board members
- Community members
- School Level Administrators
- Local Press
- I don't know
- Other _____

Q12. In what way was the infraction(s) handled? (*Mark all that apply*)

- Building Administrator handled at school level
- Central Office personnel were involved in addressing the behavior
- Administrative Hearing was held
- Legal proceeding was initiated by school system
- Legal proceeding was initiated by employee
- I don't know

Q13. How have any incidents that have occurred been resolved? (*Mark all that apply*)

- Termination(s)
- Suspension(s)
- Verbal reprimand
- Written reprimand(s)
- Improvement Plan(s) developed
- Resignation(s)
- No action taken
- Other _____

Q14. What, if any, of the following were considered determining factors in the outcome decision(s)? (*Mark all that apply*)

- Continuing contract status
- Past performance
- Media coverage/disruption
- Role model concerns
- Community morals
- I don't know
- Other _____
- None

Q15. What was the consequence, if any, of the social media infraction(s) to the school division? (Mark all that apply)

- Hire of new teacher
- Legal fees and costs
- Community trust/respect
- Temporary hire (to cover suspension)
- Administrative hours dealing with incident and aftermath
- Hours developing policy and/or revising policy as a reactive measure
- Negative affect on school climate
- I don't know
- None
- Other _____

Q.16 How concerned are you about negative employee Social Media Communication situations in your division?

- Very concerned
- Somewhat concerned
- Not concerned
- Undecided

APPENDIX D

ALIGNMENT OF RESEARCH QUESTIONS WITH SURVEY ITEMS

Research Questions	Survey Items
Research Question 2 – Virginia school divisions’ experience with educators’ use of social media	Survey Item 3: (Q4) Effectiveness of the policy(ies)
	Survey Item 7: (Q8) Number of teacher social media incidents requiring administrative review
	Survey Item 8: (Q9) Type of social media infraction
	Survey Item 9: (Q10) Method by which division became aware of infraction
	Survey Item 10: (Q11) Awareness of teachers’ social media communication
	Survey Item 14: (Q15) Cost to school division
	Survey Item 15: (Q16) Level of concern regarding the educator social media phenomena
Research Question 3 – How Virginia school divisions are addressing educator social media dilemmas	Survey Item 4: (Q5) How are policies communicated to employees
	Survey Item 6: (Q7) Policy review with employees
	Survey Item 11: (Q12) Methods for handling educators social media infractions
	Survey Item 12: (Q13) Methods of resolution for educator social media incidents
Research Question 4 – Identification of policy, policy development, policy effectiveness and policy implementation efforts	Survey Item 1 (Q2): Identification of policies regarding teacher social media use
	Survey Item 2: (Q3) Social media policies’ accessibility on website
	Survey Item 5: (Q6) Guidelines used for policy development

APPENDIX E
PILOT GROUP INVITATION LETTER

Dear _____:

My name is Faith Mabe and I am currently completing my Ed.D. at Virginia Tech, in the department of Educational Leadership and Policy Studies. My dissertation will describe Virginia school divisions' experiences with issues regarding teachers' inappropriate use of social media. The study will examine policies that are in place to address these issues, as well as definition of the scope of the problem within each division and across the state. I am writing to request your participation in a qualitative study I am conducting as a part of my dissertation.

I have received approval from Institutional Review Board (IRB) to conduct the survey, as well as the sponsorship of Dr. Stephen Staples. In a few days, you will receive an email from me with an embedded link to the survey. Please complete the survey in the next 3 business days after receipt. Should you decide to participate, you will be part of a pilot group who reviews the survey for ease of reading, understanding, and response. Your individual answers will not be linked with your name or school division in any reports of the data. Your participation is voluntary and if you come to any question you prefer not to answer, you are welcome to skip it and go on to the next. Should you have any questions or comments please contact me (fmabe@bvps.org) or Dr. David Alexander, my dissertation chair (mdavid@vt.edu).

I have attached a survey review form to collect your input regarding the survey. Upon completion of the online survey, please complete this form and return it to me in the addressed, stamped envelope provided. I very much appreciate your help with this study, and a small token of appreciation is enclosed with this letter as way of saying thank you. It is my hope that the study will provide a comprehensive description of Virginia school divisions' educator social media policy and practice.

Many Thanks,

Faith G. Mabe, Ed.S.

APPENDIX F
PILOT SURVEY FEEDBACK FORM

1. Overall, how easy was it for you to access the survey and navigate from page to page?
- Easy
 - Difficult
 - Fair

2. The length of the survey was
- Too long
 - Adequate
 - Inadequate, if inadequate please state why

3. Please describe any technical problems that you encountered while attempting to access or navigate from page to page.

4. Were the directions clear and easy to understand? If not, how can they be made easier for respondents to understand?

- Yes
- No (please explain).

5. Were there any typographical errors that you discovered? If so, please list question number and error(s).

6. Were the questions easy to understand?
- Yes
 - No (please identify questions that may need clarification)
7. Please share any other comments or suggestions you may have that would help make this survey more successful (including removal of questions or additional questions to be asked).
8. Approximately how long did it take you to complete the survey?
- _____
9. Was the time required to complete the survey reasonable?
- Yes
 - No

APPENDIX G

INFORMED CONSENT PROTOCOL

Title of Project: Use of Policy to Address Educators' Use of Social Media in Virginia School Divisions

I. Purpose of the Project

The Purpose of this research is to describe Virginia school divisions' experiences with issues regarding teachers' use of social media. The study will examine policies that are in place to address these issues, as well as the scope of the problem within each division and across the state. All Virginia school superintendents from the 132 divisions will be offered the opportunity to participate.

II. Procedures

The procedures for this study include surveys, policy review, and case law review of court cases involving educators and social media use. Surveys will be conducted with all Virginia superintendents who voluntarily agree to participate. A postal introduction letter will be sent followed by an email containing an electronic link to the survey. One email reminder and one mail reminder will be sent to non-respondents. The survey results will identify school division policies to be reviewed by researcher via division policy manuals on division websites. Examination and comparisons of policies will be made, including specific policy language and adoption dates to shed light on the divisions' expectations for its educators' social media use. Participants will be asked to answer a one-time 15 item multiple-choice survey by electronic or paper method regarding social media incidents and social media policies. The survey results will be coded by researcher on an EXCEL checklist of variables. From the checklist, any emerging patterns will be transcribed into a detailed summary of the responding division's report.

III. Risks

There are no more than minimal risks to the participant in this study.

IV. Benefits of this Project

The benefits of this study include providing Virginia school divisions with qualitative data to assess the need for social media policy evaluation, development, or revision. The information can help divisions make informed decisions to improve their social media policy or their efforts to educate their employees regarding social media use. No promise or guarantee of benefits are made to encourage participation.

V. Extent of Anonymity and Confidentiality

The identity of all participants in this study will be confidential. Each participant will be referred to using a combination of numbers. Only the researcher will be able to identify participants individually after the data is collected. It is possible, that the Institutional Review Board (IRB) may view this study's collected data for auditing purposes. The IRB is responsible for the oversight of the protection of human subjects involved in research. The surveys will remain in the researcher's secure account on Qualtrics and all documents generated from the results will then be stored in a safe location for three years.

VI. Compensation

The participants will not receive any monetary compensation in this study. There will only be a small token of appreciation (complimentary writing pen) sent to everyone receiving the offer to participate.

VII. Freedom to Withdraw

Participants are free to withdraw from this study at any point without penalty. Participants have the right to refuse to answer any question during the completion of the survey.

VIII. Participant's Responsibilities

I voluntarily agree to participate in this study. I understand that I will participate in a survey response, and be available for any follow-up clarifying questions from the researcher.

IX. Participant's Permission

I have read and understand the conditions of this research study and my role in data collection. I have had the opportunity to ask questions and am satisfied with the answers. I am indicating my voluntary consent to participate in this study by completion of the survey. If I should have any further questions, I may contact Dr. David Alexander, telephone (540) 231-9723, email mdavid@vt.edu or Faith Mabe, telephone (276) 821-5805; email fmabe@bvps.org. If I should have questions about the protection of human research participants regarding this study, I may contact Dr. David Moore, Chair Virginia Tech Institutional Review Board for the Protection of Human Subjects, telephone (540) 231-4991; email moored@vt.edu.

This research study has been approved by the Institutional Review Board for Research Involving Human Subjects at Virginia Polytechnic Institute and State University, the Department of Educational Leadership and Policy Studies, and by the state superintendent of schools.

APPENDIX H

INTRODUCTION LETTER

Dear Participant:

My name is Faith Mabe and I am currently completing my Ed.D. at Virginia Tech, in the department of Educational Leadership and Policy Studies. My dissertation will describe Virginia school divisions' experiences with issues regarding teachers' use of social media. The study will examine policies that are in place to address these issues, as well as definition of the scope of the problem within each division and across the state. I am writing to request your participation in this qualitative study I am conducting as a part of my dissertation.

I am hoping you could spend a few minutes of your time responding to survey questions that will result in a description of the social media communication phenomena experienced in Virginia school divisions. In particular, I am interested in your school division's experience with such incidents, the policies or practices you employ to address the incidents and the cost to educators when expectations of the school system are not met.

I have received approval from the Institutional Review Board (IRB) to conduct the survey, as well as the sponsorship of Dr. Stephen Staples. In a few days, you will receive an email from me with an embedded link to the survey. Please complete the survey in the next 3 business days after receipt. It should only take a few minutes. Your individual answers will not be linked with your name or school division in any reports of the data. Your participation is voluntary and if you come to any question you prefer not to answer, you are welcome to skip it and go on to the next. Should you have any questions or comments please contact me (fmabe@bvps.org) or Dr. David Alexander, my dissertation chair (mdavid@vt.edu).

I very much appreciate your help with this study, and a small token of appreciation is enclosed with this letter as way of saying thank you. It is my hope that the study will provide a comprehensive description of Virginia school divisions' educator social media policy and practice. I will be happy to share the results with you upon completion, should you desire.

Many Thanks,

Faith G. Mabe, Ed.S.

APPENDIX I
EMAIL CONTACT

From: Faith Mabe [fmabe@bvps.org]
Sent: Date
To: Participant's Name [Participant's email address]
Subject: Use of Policy to Address Educators' Use of Social Media

Dear (Participant's Name):

Last week I sent you a letter asking for your help with an important survey. I am conducting this survey as part of the requirements for my doctoral program at Virginia Tech. The survey has the sponsorship of Dr. Steven Staples and IRB approval.

I am following up with this e-mail to provide you with an electronic link to the survey website. I hope this link makes it easier for you to respond. It should only take a few minutes to complete the 15-question survey.

Simply click on this link and you will automatically be logged into this survey.

<http://www.....>

And enter your personal Access Code in the space provided: #####

The results of the survey will help us to better understand the affect of the educator social media phenomena on school divisions in Virginia. Your participation is very important, and I appreciate you considering my request.

Sincerely,

Faith G. Mabe, Ed.S.

APPENDIX J
2ND EMAIL CONTACT

From: Faith Mabe [fmabe@bvps.org]
Sent: Date
To: Participant's Name [participant's email address]
Subject: Use of Policy to Address Educators' Use of Social Media

Dear Participant:

Last week I sent an e-mail to you asking for your participation in the Virginia Educator Social Media Communication Issues Survey. I hope that providing you with a link to the survey website makes it easy for you to respond. To complete the survey, simply click on this link:

<http://www.....>

And enter your personal Access Code in the space provided: #####

I am hoping the survey results will represent input by each region in Virginia. Today's society of open communication makes this an issue of concern to school divisions nationwide. This survey will provide a description of the affect of educator social media communication phenomena on Virginia school divisions.

Your response is voluntary and I appreciate your considering my request.

Sincerely,

Faith G. Mabe, Ed.S.

APPENDIX K
THANK-YOU REMINDER BY MAIL

Date

Participant's Address

, Virginia

Dear Participant,

On date, I mailed you an invitation letter asking for your help with a survey about educator social media communication issues in Virginia school divisions.

I followed the letter with an email providing the embedded link to the survey. A second email was sent last week. If you have already completed the survey, please accept my sincere thanks. If not, please complete the email survey using the embedded link or complete the enclosed paper survey. I have provided a stamped, addressed envelope for you to use to return the survey should you choose the paper option.

Should you not have the email link and it is your preferred method of response, or if you have any questions, please contact me by phone at 276-821-5805 or email at fmabe@bvps.org.

Many thanks,

Faith Mabe, Ed.S.

APPENDIX L
SURVEY CODE INFORMATION

General Instructions:

- Enter only numerical codes, no text
- Enter Identifier
- Code “No response” as 99, “I don’t know” as 88

Q-2	Var 1	POLTYP 1 AUP 2 CC 3 SMP 4 Emp. HB Other (recode after survey review) 5 SBP 6 Sup. Memo 7 Personnel pol. 8 Staff/Student Boundary pol. 9 Social Media Tips Additional (recode.....) 10 ethics policy
Q-3	Var 2	POLACC (yes – 1; no – 2) 1 1 or 2 AUP 2 1 or 2 CC 3 1 or 2 SMP 4 1 or 2 Other – (recode after survey review) 1 or 2 Division policy 5 1 or 2 Board Docs 6 1 or 2 Computer Log-in 7 1 or 2 Access to Social Media
Q-4	Var 3	POLEFF 1 All time 2 Most time 3 Some time 4 Seldom 5 Never 6 No situations

- Q-5 Var 4 POLCOM
 (1 time of hire; 2 annually; 3 Emp. HB;
 4 PD; 5 Other; 6 No comm)
 1 (1-6) AUP
 2 (1-6) CC
 3 (1-6) SMP
 4 (1-6) Other – unspecified (recode after survey)
 5 Cannot respond as needed
 6 Online digital signature
 7 Website
 8 Log-in
- Q-6 Var 5 POLGID
 1 NSB
 2 VSB
 3 School Board Drafted
 4 VaC
 5 DHR
 6 Other – unspecified (recode after survey review)
 7 Personnel input
 8 ISTE/VSTE
 9 Other divisions’ pol
 10 Bd. Atty.
 11 Blended
- Q-7 Var 6 POLREV
 1 time of hire
 2 when revised
 3 annually
 4 upon infraction
 5 other - (recode after survey review)
 PD
 6 Developing pol.
 7 No specific SM pol.
 8 As needed
 9 Just adopted
 10 School Prin. Decides
 11 Orientation

Q-8	Var 7	SMFRQ
		1 1-4
		2 5-9
		3 10-15
		4 16-20
		5 > 20
		6 None
Q-9	Var 8	SMINF
		1 Com. Student
		2 Unp. Comment
		3 Breach conf.
		4 Inp. Photo
		5 Con. Unbecoming
		6 Other - unspecified (recode after survey review)
		7 Threat
		8 Political Support
		9 Unp. Comment on social issue
Q-10	Var 9	SMCTL
		1 colleague
		2 student
		3 parent
		4 comm. Member
		5 media
		6 other - unspecified (recode after survey review)
		7 Law enforcement
		8 Server's filter
		9 Self Report
Q-11	Var 10	SMAWR
		1 parent
		2 employee
		3 student
		4 Bd. Member
		5 community
		6 Admin
		7 Local Press
		8 Other (recode after survey review)
		HR Dept.
		9 Law Enforcement
		10 Facebook

Q-12 Var 11 SMHAN
1 Admin
2 CO
3 Admin. Hearing
4 Legal proceeding by school
5 Legal proceeding by emp

Q-13 Var 12 SMRES
1 Termination
2 Suspension
3 Verbal
4 Written
5 Imp. Plan
6 Resignation
7 No action
8 Other – discussion
9 Unspecified
10 Warning

Q-14 Var 13 SMDF
1 Cont. Contract
2 Past Performance
3 Media
4 Role model concerns
5 Community morals
6 Policy Violation
7 None
8 Level of Infraction
9 Legal Charges
10 Difficulty Filling Position
11 Common Sense
12 # of times
13 Unspecified
14 Low safety concern
15 Admission

Q-15 Var 14 SMCST
1 Hire
2 Legal Fees
3 Community
4 Temp. hire
5 Admin. Hrs.
6 Hours developing policy
7 Neg. climate
8 None
9 Other (recode after survey review)
unspecified

Q-16 Var 15 SMCON
1 Very
2 Somewhat
3 Not
4 Undecided

APPENDIX M
COMMONWEALTH OF VIRGINIA POLICIES USED TO ADDRESS EDUCATORS’
USE OF SOCIAL MEDIA

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
1	AUP	VSBA	IDK	GAB/IIBEA (1/15)
	Code of Conduct	Va. Statutes		GAB/IIBEA-R (7/12) GAD (5/16)
	Social Media Policy			GAC & GAC-R (2/16)
2	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s), Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB IIBEA (6/13) GAD (6/15)
	Social Media Policy			GAB-R/IIBEA-R (8/14) Policy 4-2 (10/16) GAB-F1/IIBEA-F2 (5/13)
3	AUP	IDK	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(10/10)
	Code of Conduct			GAB/IIBEA-R(8/13) GAB-E1/IIBEA-E2(5/13)
				GAD(7/15)
				Employee Handbook

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
4	AUP Code of Conduct	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s), Inappropriate photo(s), Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA & GAB-R/IIBEA-R (7/13) GAB-E-1/IIBEA-E2 GAD (7/15) GCPD (8/17)
5	Code of Conduct Social Media Policy	VSBA Va. Statutes	Inappropriate communication with student, Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	20-2.215 & 20-2.215 PIP (6/12) 45-2 (5/07) 35-4.10 (12/12)
6	AUP Code of Conduct	IDK	Inappropriate communication with student, Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	Policy 5.820(7/92) Regulation 5.820 (7/10) Regulation 8.530.1 AUP (12/06)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
7	AUP Code Of Conduct	IDK	Inappropriate communication with student, Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s), Conduct unbecoming a teacher (profanity, inappropriate content shared)	IIBEA/GAB (6/17) AUP Agreement (6/17) Standards of Conduct and Performance (7/06)
8	AUP Code of Conduct	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (7/13) GAB-R/IIBEA-R(7/13) GAB-R/IIBEA-RR(7/13) GAB-E1/IIBEA-E2 (5/13) GCPD (4/16)
9	AUP Code of Conduct	VSBA Va. Statues	IDK	GAB/IIBEA(6/13) GAB-R/IIBEA-R(6/13) GAB-E1/IIBEA-E2(5/13) GAD(5/15) GCPD(5/17)
10	AUP	VSBA Va. Statutes SB policy VDHR	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	TECHNOLOGY AUP (7/15) SOCIAL MEDIA POLICY AND GUIDELINES (7/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
11	AUP	VSBA	Inappropriate photo(s)	GAB/IIBEA(2/05) GAB-R/IIBEA-R(5/13) GAD(5/15)
12	AUP Social Media Policy	VSBA Board Attorney	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Breach of Confidentiality	GAB/IIBEA(7/10) GAB-R/IIBEA-R (3/16) IIBEA/GAB(7/10) IIBEA-R/GAB-R (3/16)
13	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA(7/13) GAB-E1/IIBEA-E2 GABA/IIBEA (7/13) GAD(7/15) GABB/IIBEA(6/09)GABC(9/10)
14	AUP GAD	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Inappropriate communication with student	GAB/IIBEA(7/13) GAD(6/15) GCPD(6/17)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
15	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(5/13)
	Code of Conduct	Va. Statutes		GAB-R/IIBEA-R(5/13)
	Social Media Policy		Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB-E1/IIBEA-E2(5/09)
16	AUP	IDK	Breach of Confidentiality	
	Code of Conduct		Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(11/13)
			Conduct unbecoming a teacher (profanity, inappropriate content shared)	GCPD(8/17)
17	AUP	VSBA	Inappropriate communication with student	P8-37(6/08)
	Code of Conduct	Va. Statutes		R8-37(8/13)
		SB Policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	P8-38(9/11)
18	AUP	VSBA	Breach of Confidentiality	
		Va. Statutes	Inappropriate communication with student	GAB/IIBEA(5/13) GAD(5/15)

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Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
19	AUP Code of Conduct	IDK	No Incidents	GAB/IIBEA(5/13) GAB-R/IIBEA-R(5/13) GAB-E1/IIBEA-E2(5/13) GCPD KBE(6/09)
20	AUP Code of Conduct	VSBA Va. Statutes	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Inappropriate communication with student	GAB/IIBEA(5/13) GAB-R/IIBEA-R(5/13) GAB-E1/IIBEA-E2(5/13) GAD(5/15)
21	AUP	VSBA	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(5/13) GAB-R/IIBEA-R(5/13) GAB-E1/IIBEA-E2(5/13) GAD(5/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
22	AUP	SB Policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(6/14)
	Code of Conduct	Va. Statutes		GAB-SR1/IIBEA-SR1(6/14)
23	Employee Handbook	VSBA	Inappropriate communication with student	GAB-E1(6/14)
				GAD(6/15)
				GCPD(1/95)
				Inappropriate photo(s)
				GCPD-BR1(08/03)
				Breach of Confidentiality
23	Employee Handbook	VSBA	Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA(5/10)
				GAB-R/IIBEA-R(5/09)
				GAB-E1-IIBEA-E2(5/13)
				GAD(7/15)
				Inappropriate communication with student
				Inappropriate photo(s)
23	Employee Handbook	VSBA	Breach of Confidentiality	GCPF(11/12)
				GAD(7/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
24	AUP	NSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	ACCEPTABLE USE POLICY (AUP) AGREEMENT FOR USE OF ELECTRONIC NETWORK RESOURCES AND INTERNET SAFETY
	Code of Conduct	VSBA Va. Statutes		
		SB Policy	Conduct unbecoming a teacher (profanity, inappropriate content shared)	EMPLOYEE CODE OF PROFESSIONALISM (2016-2017)
		VDHRA		
25	AUP	NSBA	Breach of Confidentiality	GAB/IIBEA(6/06)
	Code of Conduct	VSBA		GAB-R/IIBEA-R(2/05)
				GAB-E1-IIBEA-E2(6/06)
				GCPD(7/17)
26	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(7/13)
	Social Media Policy	Va. Statutes		GAB-R/IIBEA-R(7/13)
		SB Policy	GAB-E1-IIBEA-E2(7/13)	
			Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAD(8/15)
			Inappropriate communication with student	GCPD-R(12/17)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
27	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Inappropriate communication with student Breach of Confidentiality	POLICY 8.32(6/10)
	Social Media Policy	Va. Statutes VDHR		REGULATION 8.32(6/10)
28	AUP	SB Policy	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s)	POLICY 5-1.6(3/12)
	Code of Conduct	Va. Statutes		6-3.11(8/13) 6-3.11(A)(8/13)
29	AUP	VSBA	No Incidents	GAB(6/16)
	Code of Conduct	Va. Statutes		GAB-R(6/16)
		SB Policy		GAD6/15)
	Social Media Policy			GAB-F1(11/17)
				GCPD(6/17)
			GDPF(4/17)	

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
30	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(5/13)
	Code of Conduct	Va. Statutes	Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB-R/IIBEA-R(5/13)
				GAB-E1/IIBEA-E2(5/13)
				GAD(5/15)
			Inappropriate communication with student	
31	AUP	SB Policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB(7/12)
	Social Media Policy		Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB-R(7/12)
				GAD(8/15)
			Inappropriate communication with student	
			Breach of Confidentiality	
32	AUP	NSBA	Inappropriate communication with student	567P(5/00)
	Code of Conduct	VSBA		567-R-A(10/16)
		Va. Statutes	Inappropriate photo(s)	567R-C(10/14)
		SB Policy		567R-B(8/12)
		VDHR		567R-D(8/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
33	AUP	IDK	No Incidents	GAB/IIBEA(5/13) GAB-R/IIBEA-R(5/13) GAB-E1/IIBEA-E2(5/13) GAD(5/15)
34	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s)	IIBEA/GAB (5/13) IIBEA-R/GAB-R (5/13) IIBEA-E (9/15) IIBEA-E2/GAB-E1 (5/13)
35	AUP Social Media Policy	VSBA	No Incidents	GAB/IIBEA(6/14) GAB-R/IIBEA-R(6/14) GAB-E1/IIBEA-E2 GAD(6/15) GCPD(6/17)
36	AUP	Internal Staff	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(1/17) IIBEA/GAB(8/12) GAB-R/IIBEA-R(9/13) GAB-F/IIBEA-F2(5/13) GAD(7/15)
37	AUP Code of Conduct	Other	No Answer	GAB/IIBEA(7/13) GAD (7/15) EMPLOYEE HANDBOOK

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
38	AUP Employee Handbook	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA(713) GAB-R/IIBEA-R(7/13) GAB-E1/IIBEA-E2 GAD(8/15) GCPD(7/13)
39	AUP Employee Handbook	Board Attorney	IDK	GAB/IIBEA(7/13) GAB-R/IIBEA-R(7/13) GAB-E-1/IIBEA-E2(5/13) GAD(7/15) GCPD(7/17) GCPD-R(3/04) INTERNET & PHOTOGRAPH ACCEPTABLE USE AGREEMENT (8/12)
40	AUP Social Media Policy Statement of Ethics Policy	IDK	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Inappropriate communication with student Inappropriate photo(s)	Policy 6-3.15 (6/07) Regulation 6-3.15(A)(6/07) Regulation 6-3.15(B)(7/03)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
41	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	Policy # 667
	Code of Conduct	SB Policy		Policy #667-R (9/11) Policy #667-F
	Social Media Policy			Employee Handbook Guidelines for Electronic Communication
42	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA(8/13)
	Social Media Policy	Va. Statutes		GAB-R/IIBEA-R(8/13) GAB-E1/IIBEA-E2(8/13)
				GAD(10/15)
				GCPD (9/17)
				GCPF (5/17)
43	AUP	VSBA	No Incidents	GAB/IIBEA(9/14)
	Code of Conduct			GAB-R/IIBEA-R(9/14) GAB-E1/IIBEA-E2(5/13)
				GAD(5/15)
44	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA(7/2010)
				GAB-R/IIBEA-R (8/13)
				GABA (5/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
45	AUP	VSBA	No answer	GAB/IIBEA (6/14)
		VDHRA		GAB-R (3/17)
46	AUP	VSBA Va. Statutes	Conduct unbecoming a teacher (profanity, inappropriate content shared)	
			Breach of Confidentiality	
47	AUP Employee Handbook	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (5/13) GAB-E1/IIBEA-E2 (5/13) GAB-R/IIBEA-R (5/13) GAD (5/15)
48	AUP Social Media Policy	SB policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (5/15) GAB-E1/IIBEA-E2 (9/16) GAB-R/IIBEA-R (5/13) GAB-R1 (9/16) GAD (7/15)
49	AUP Code of Conduct Social Media Policy	VSBA SB policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB (5/13) GAB-R (5/13) GAB-E1(5/13) GAD (6/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed	
50	AUP	NSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	ACCEPTABLE USE POLICY AND INTERNET SAFETY PROGRAM	
	Code of Conduct	VSBA		TECHNOLOGY ACCEPTABLE USE POLICIES LOCAL	
	Social Media Policy	SB policy		Va. Statutes	TECHNOLOGY POLICIES AND GUIDELINES,
					GAB/IIBEA (5/13)
					GAB-R/IIBEA-R (5/13)
					GAB/IIBEA-E2 (5/13)
					GCPD (5/17)
		GCPD-R (5/12)			
		GAD (5/15)			
51	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA(7/10)	
	Code of Conduct			GAB-R/IIBEA-R (5/09)	
				GAB-E1/IIBEA-E2 (5/09)	
				GAD (5/15)	
52	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	Policy 8.32.1(9/15)	
	Code of Conduct	SB Policy		GAB/IIBEA (6/13)	
		Va. Statutes			GAB-E1/IIBEA-E2 (5/13)
					IIBEA-R/GAB-R (5/13)
					GCPD(1/13)
53	AUP	VSBA	IDK	GAB/IIBEA-M (10/13)	
	GAD	SB policy		GAB/IIBEA-M-1-R (3/14)	
				GAB/IIBEA-M-R-F	
			GAD (8/15)		

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Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
54	AUP	IDK	No incidents	GAB/IIBEA (6/13) GAB/IIBEA-R (6/13) GAB/IIBEA -A1 GCPD (9/08) IIBEA/GAB (7/09)
55	AUP	VSBA Va. Statutes	No incidents	GAB/IIBEA (7/10) IIBEA/GAB-R (5/09) GAB-E1/IIBEA-E2 (5/09) GAB/E3/IIBEA-E3 (8/16) GAD (7/15)
56	AUP Code of Conduct	VSBA Va. Statutes	Inappropriate communication with student	GAB/IIBEA (12/14) GAB-E1/IIBEA-E2 (5/13) GAB-R/IIBEA-R (5/13) GAD (5/15) COMPUTER NETWORK, INTERNET AND PHOTOGRAPH ACCEPTABLE USE AGREEMENT FOR EMPLOYEES (7/12)
57	AUP Code of Conduct Social Media Policy	VSBA SB policy Va. Statutes	Inappropriate communication with student Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA (8/12) GAB-R/IIBEA-R (8/09) GAB-E1/IIBEA-E2 GAD (5/15)

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Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
58	AUP	NSBA	No answer	5-1.6 (8/13)
		VSBA		6-3.13 (8/15)
		Va. Statutes		
59	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Inappropriate photo(s)	GAB/IIBEA (8/13)
				GAB-R/IIBEA-R (8/09)
				GAB-E1/IIBEA-E2 (5/13)
				GAD (8/15)
60	AUP	VSBA	Inappropriate photo(s)	GAB/IIBEA (9/16)
		Va. Statutes		GAB-R/IIBEA-R (6/13)
				GAB-R/IIBEA-R FORM 2 (6/13)
				GAD (7/15)
61	AUP	NSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA (8/13)
		VSBA		GAB-R/IIBEA-R (9/15)
		SB Policy		GABZ (9/15)
		Va. Statutes		GAD (6/15)
		VDHRA		
62	AUP	Va. Statutes	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (11/10)
				GAB-R/IIBEA-R (11/10)
				GAB-E1/IIBEA E2
63	AUP	IDK	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (7/09)
				GAB-R/IIBEA-R (7/09)
				GAB-E1/IIBEA-E2 (5/09)

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Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
64	AUP	VSBA	Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA (6/13)
	Code of Conduct			GAB-R/IIBEA-R (3/17)
	Social Media Policy		Inappropriate photo(s)	GAB-E1/IIBEA-E2 (5/13) GAD (7/15)
65	AUP	VSBA	No incidents	GAB/IIBEA (9/13)
	Code of Conduct			GAB-R/IIBEA-R (9/13)
				GAB-E1/IIBEA-E2 (9/13)
66	AUP	VSBA	Inappropriate communication with student	GAB/IIBEC (11/11) GAB/IIBEA (7/13)
	Code of Conduct			GAB-R/IIBEA-R (7/13)
	Social Media Policy			GAB-E1/IIBEA-E2 (5/13) GAD (6/15)
				GCPD (6/17) GAB/IIBEA (2/17)
67	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB-R/IIBEA-R (2/17)
	Social Media Policy	Va. Statutes SB Policy		GAB-E1/IIBEA-E2 (2/17)
			Breach of Confidentiality	GABB GAD (6/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
68	AUP	No answer	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBG-PC (7/13) GAD (7/15)
69	AUP Code of Conduct	IDK	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	STAFF NETWORK AND ACCEPTABLE USE POLICY FOR ELECTRONIC INFORMATION AND RELATED TECHNOLOGY SERVICES ACKNOWLEDGEMENT – STAFF NETWORK AND ACCEPTABLE USE POLICY FOR ELECTRONIC INFORMATION AND RELATED TECHNOLOGY SERVICES POLICY 5-1.6 GAB/IIBEA (8/13)
70	AUP SB Policy	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB-R/IIBEA-R (6/17) GAB-E2/IIBEA-E2 (8/13) GAD (7/15)
71	AUP Code of Conduct Policy Manual	NSBA VSBA ISTE/NSTE	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s)	REGULATION 295-1 (9/16) REGULATION 503.02-1 (6/17)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
72	AUP Code of Conduct	IDK	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s)	IIBEA/GAB GAB-R/IIBEA-R GAB-E1/IIBEA-E2 (7/13) IT ACKNOWLEDGEMENT AND CONSENT FORM GAD (7/15) GCPD (7/13)
73	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Breach of Confidentiality	GAB/IIBEA (3/16) GAB/IIBEA REGULATION (3/16) GAD (7/15) GCPD (7/2017) GCPD-R (6/93) GCPF (4/17)
74	AUP Code of Conduct	No answer	No answer	GAB/IIBEA (12/13) GAB-R/IIBEA-R (12/13) GAB-E1/IIBEA-E2 (5/13)
75	AUP Code of Conduct Social Media Policy	NSBA VSBA Va. Statutes	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	IIBEA/GAB (6/12) IIBEA-R (2/17) IIBEA-R2 (5/16) EMPLOYEE COMPUTER ACCEPTABLE USE AGREEMENT FORM

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
76	AUP Code of Conduct	Models of other school divisions	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s) Conduct unbecoming a teacher (profanity, inappropriate content shared) Breach of Confidentiality	GAA-R (8/16) GAD (8/15)
77	AUP Social Media Policy	IDK	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (6/13) GAB-R/IIBEA-R (6/13) GAB-E1/IIBEA-E2 (5/13) GABA-E (6/13)
78	AUP Code of Conduct	SB Policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate photo(s) Breach of Confidentiality	IIBEA (7/12) GAD 7/12 GBAA (12/12)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
79	AUP	VSBA	Conduct unbecoming a teacher (profanity, inappropriate content shared)	IIBEA IIBEA-R (8/14) GAD(8/15)
80	AUP Code of Conduct Social Media Policy	VSBA Va. Statutes Employee participation while drafting social media regulation	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Breach of Confidentiality	GAB/IIBEA IIBEA-BR GAD (7/15) GCPC (5/10) GCPC-BR (7/15) GCPD (7/17)
81	AUP Social Media Policy	SB Policy	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Breach of Confidentiality Inappropriate photo(s)	GAB/IIBEA (4/15) GAB-R/IIBEA-R (7/15) GAB-E1/IIBEA-E1 GAB-R1/IIBEA-R1 (11/13) GAD (5/15)
82	AUP Other personnel policies	VSBA SB policy Va. Statutes	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Political support for candidate for elective office	GAB/IIBEA (5/16) GAB-R/IIBEA-R (5/16) GAB/E1/IIBEA-E2 (12/14) GAB-E/IIBEA-E(12/14) GAD (9/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
83	AUP Code of Conduct	VSBA	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Breach of Confidentiality	GAB/IIBEA (10/08) GAD (5/15)
84	AUP Code of Conduct	NSBA VSBA Va. Statutes SB Policy	Inappropriate communication with student Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Breach of Confidentiality Inappropriate photo(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	Article XIX Sections 5-19.1-6
85	AUP Code of Conduct Social Media Policy	VSBA Va. Statutes	No incidents	GAB/IIBEA (8/13) GAB-R/IIBEA-R (8/13) GAB-E1/IIBEA-E2 (5/13) GAD (8/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
86	AUP	VSBA	Inappropriate communication with student	GAB/IIBEA (7/13)
	Code of Conduct			GAB-R/IIBEA-R (7/13)
	Social Media Policy			GAB-E1/IIBEA-E2(5/13)
87	AUP	NSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAD (7/15)
	Social Media Policy	VSBA		Policy 4-2 (10/16)
		Va. Statutes		Policy 6-62(6/13)
				Regulation 6-62 (6/13)
88	AUP	VSBA	Breach of Confidentiality	Policy 6-64 (3/17)
	Code of Conduct	Va. Statutes		Regulation 6-64.1(6/13)
	Social Media Policy			
89	AUP	NSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	GAB/IIBEA (5-15)
	Code of Conduct	VSBA		GAB-R/IIBEA-R (7/13)
		Va. Statutes		GAB-R2/IIBEA-R2 (11/12)
		SB policy		
89	AUP	NSBA	Inappropriate communication with student	IIBEA/GAB(8/12)
	Code of Conduct	VSBA		IIBEA-R (8/08)
		Va. Statutes		IIBEA-F(GAB)
		VDHRA		GAD (1/16)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
90	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA (7/14)
	Code of Conduct	Va. Statutes		GAB-R/IIBEA-R (6/14) GCPD (2/95)
	Social Media Policy			
91	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Conduct unbecoming a teacher (profanity, inappropriate content shared)	GAB/IIBEA (7/13)
	Code of Conduct	Va. Statutes		GAB-R/IIBEA-R (7/14) GAD (6/15)
92	AUP	No answer	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate communication with student Inappropriate photo(s)	GAB/IIBEA (7/15)
	Code of Conduct			GAB-R/IIBEA-R (7/13) GAB-E1/IIBEA-E2 (5/13) GAD (5/15)
93	AUP	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate communication with student	IIBEA (6/17)
	Staff/Student Boundaries Policy	Va. Statutes		GAD (6/15)

(continued)

Survey Response	Identified Policy (Type)	Resource	Infractions Reported	Policy Reviewed
94	Code of Conduct	VSBA Va. Statutes	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s)	IIBEA/GAB (9/13) IIBEA-R/GAB-R (9/14) GAB-E1/IIBEA-E2 GAD (8/15) GAB/IIBEA (12/17)
95	AUP Code of Conduct	VSBA	Unprofessional Comments regarding school, colleagues(s), student(s) or parent(s) Inappropriate communication with student Conduct unbecoming a teacher (profanity, inappropriate content shared)	GCPD (1/14)

APPENDIX N
POLICY ATTRIBUTE TABLES

AUP DOCUMENT ATTRIBUTES*	
Code Requirement	Commonly Found in Policies
Acceptable Use Policies (AUP) for Public and Private Schools (Code of Virginia § 22.1-70.2). This law reflects the circumstances unique to the school or division and the electronic system used; it clearly defines responsible use of information networks.	
Provisions to prohibit use by division employees of the division’s computer equipment and communication services for sending, receiving, viewing, or downloading illegal material via the Internet	X
Provisions that seek to prevent access by students to material that the school division deems to be harmful to juveniles as defined by Va. Code Section 18.2372 & Children’s Internet Protection Act (CIPA). Congress enacted CIPA in December 2000 to address offensive Internet content on school and library computers. It imposes specific requirements on schools.	X
Provisions that select a technology for the division’s computers having Internet access through such computers to child pornography as set out in Va. Code Section 18.2-374.1 and obscenity as defined in 18.2-372	X
Provisions that establish appropriate measure to be taken against persons who violate the policy.	X
Optional: Provision differentiating acceptable uses among elementary, middle and high school students	
Division superintendent has clearly defined steps appropriate to implement and enforce the divisions’ policy	X
Contains a descriptive statement(s) regarding the division’s instructional philosophies and strategies to be supported by Internet access in schools	X
Roles and responsibilities for division personnel is specified	
Roles and responsibilities for community stakeholders with regard to acceptable use of electronic based resources and Internet safety are specified	
Program specifies safety measures in place, including filtering and monitoring procedures	X
Program describes methods by which the division ensures data and network security	X
Describes technology based applications and hardware prohibited for employees and student use with associated penalties	X
Describes procedures to address breaches of Internet and intranet security and safety with legal actions resulting from breaches	X
Describes ongoing professional development opportunities for each stakeholder group, including an overview of the needs assessment and evaluation processes for professional development and community outreach programs	

Describes community outreach activities that are consistent with the program's goals, including an overview of the needs assessment and evaluation process	
Describes the division's procedures for the evaluation and revision of the AUP	

*Developed from The Office of Educational Technology Rubric developed to assist superintendents with reviewing acceptable use policies.

SOCIAL MEDIA POLICY ATTRIBUTES*	
Recommended Practices	Commonly Found In Policies
Reminder for employees to familiarize themselves with the AUP agreement and policies as well as employee conduct expectations included in school policy, local, state and federal law.	X
State that the policy applies to multi-media, social networking websites, blogs and wikis for both professional and personal use.	X
Internet postings should not disclose any information that is confidential or proprietary.	X
If an employee comments on any aspect of the school division's business they must clearly identify themselves as an employee.	X
The disclaimer should be something like "the views expressed are mine alone and do not necessarily reflect the views of the school division."	
Internet postings should not include school division logos or trademarks unless permission is asked for and granted.	
Internet postings must respect copyright, privacy, fair use, and other applicable laws.	X
Employees should neither claim nor imply that they are speaking on the company's behalf.	
School blogs, Facebook pages, Twitter accounts, etc., could require approval when the employee is posting about the school and the school division.	X
That the school division reserves the right to request the certain subjects are avoided, withdraw certain posts, and remove inappropriate comments.	
Communication with students be transparent and accessible to parents and supervisors.	X

*Developed from components reviewed in social media policies identified in Use of Policy to Address Educators' Use of Social Media and best practices recommendations from "How to Write a Social Media Policy," by Tiffany Black (<https://www.inc.com/guides/2010/05/writing-a-social-media-policy.html>)

EMPLOYEE CONDUCT DOCUMENTS ATTRIBUTES	
Va. Code and Va. Standards of Professional Practice Requirements	Commonly Found in Policies
Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect. (Va. Code 22.1-307)	X
Teachers create a safe and positive learning environment, conducive to learning. (Standard 5: Key Element 1)	X
Teachers model professional and ethical standards as well as personal integrity in all interactions. (Standard 6: Key Element 3)	X
Teachers respect the privacy of students, families, colleagues, and administrators with whom they work, ensuring confidentiality of all sensitive information. (Standard 6: Key Element 4)	X

*Developed from Va. Code and Virginia Standards of Professional Practice Requirements

APPENDIX O

VIRGINIA STATE SUPERINTENDENT SPONSORSHIP EMAIL

From: "Staples, Steven (DOE)" <Steven.Staples@doe.virginia.gov>

Date: December 6, 2017 at 3:44:39 PM EST

To: "McHale, Juanita (DOE)" <Juanita.McHale@doe.virginia.gov>

Subject: SUPT'S EMAIL: Research Study on the Use of Policy to Address Educators' Use of Social Media

Faith Mabe, principal of Washington-Lee Elementary in Bristol, Virginia is working to complete her doctorate at Virginia Tech, in the department of Educational Leadership and Policy Studies. Ms. Mabe's dissertation, entitled *Use of Policy to Address Educators' Use of Social Media in Virginia School Divisions*, will describe Virginia school divisions' experiences with issues regarding teachers' use of social media. The study will examine policies that are in place to address these issues, as well as define the scope of the problem within each division and across the state.

The study will include a survey, policy review, and case law review of court cases involving educators and social media use. You will soon receive an introduction letter from Ms. Mabe. An email will follow, containing an electronic link to the survey. Participants will answer a 15-item, multiple-choice survey regarding social media incidents and social media policies.

Ms. Mabe has agreed to share the results of her study that should provide Virginia school divisions with qualitative data assessing the need for social media policy evaluation, development, or revision.

While voluntary, I encourage you to consider participating in this important study.

REFERENCES FOR SOCIAL MEDIA APPENDIX A

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