



**Review of the Interim University of Maryland Policy on Student Social Media Privacy (Senate Document #16-17-23)**

**TO** Wallace D. Loh | President

**FROM** Daniel Falvey | Chair, University Senate

I am pleased to forward the accompanying legislation for your consideration and approval. Toby Egan, Chair of the Educational Affairs Committee, presented the committee's proposal on the Review of the Interim University of Maryland Policy on Student Social Media Privacy (Senate Document #16-17-23), which the University Senate approved at its meeting on September 6, 2017. Please inform the Senate of your decision and any administrative action related to your conclusion.

**Approved:**

**Date:**

**September 8, 2017**

**Wallace D. Loh**  
President

Copies of this approval and the accompanying legislation will be forwarded to:

- Mary Ann Rankin**, Senior Vice President and Provost
- Reka Montfort**, Executive Secretary and Director, University Senate
- Michael Poterala**, Vice President and General Counsel
- Cynthia Hale**, Associate Vice President for Finance and Personnel
- John Bertot**, Associate Provost for Faculty Affairs
- Elizabeth Beise**, Associate Provost for Academic Planning & Programs
- Sylvia B. Andrews**, Academic Affairs
- Ben Bederson**, Associate Provost of Learning Initiatives
- Bryan Eichhorn**, Past Chair, Educational Affairs Committee
- Toby Egan**, Chair, Educational Affairs Committee
- Kevin Anderson**, Director of Athletics
- Nicholas Hadley**, Chair, Athletic Council
- Kelley Bishop**, Director, University Career Center & The President's Promise
- Jewel Washington**, Assistant Vice President, University Human Resources
- Barbara Gill**, Associate Vice President, Enrollment Management
- William Cohen**, Dean, Undergraduate Studies



## **Review of the Interim University of Maryland Policy on Student Social Media Privacy**

**PRESENTED BY** Bryan Eichorn, Chair

**REVIEW DATES** SEC – August 29, 2017 | SENATE – September 6, 2017

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [University of Maryland Policy on Student Social Media Privacy \(V-1.20\[A\]\)](#)

**NECESSARY APPROVALS** Senate, President

### **ISSUE**

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In October 2016, the University President approved an interim Policy on Student Social Media Privacy (V-1.20[A]), which establishes parameters for the use of student social media accounts in academic or career-based activities. In February 2017, the Senate Executive Committee (SEC) voted to charge the Senate Educational Affairs Committee with reviewing both the interim policy and a relevant Maryland state law; reviewing similar policies at peer and Big 10 institutions; consulting with various campus stakeholders; considering how grievances should be addressed; and recommending revisions to the policy, if appropriate.

### **RECOMMENDATIONS**

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- The Educational Affairs Committee recommends that the Senate approve the revised Policy on Student Social Media Privacy (V.1-20[A]), which immediately follows this report.
- The Educational Affairs Committee recommends that the Teaching and Learning Transformation Center (TLTC) develop resources for faculty and teaching assistants that address the responsible use of social media in courses and communicate the potential consequences associated with violations of this policy or state law. These resources should be regularly updated to reflect the advent of new social media platforms and changes in the terms of service of existing platforms. The TLTC should also incorporate responsible social media use in applicable seminars and trainings, including its Graduate Student Teaching Orientations.
- The Educational Affairs Committee recommends that the Senior Vice President and Provost inform deans, department or program chairs, and other relevant administrative staff of their responsibilities under the policy. Specifically, such notifications should ensure that unit-level administrators are aware of their role in hearing complaints, the resources related to the responsible use of social media in courses, the importance of creating structures to review the use of social media in academic or career-based activities in their units, and the potential consequences associated with violations of this policy or state law.
- Finally, the Educational Affairs Committee recommends that the Office of Undergraduate Studies add information on the policy to its Course Related Policies webpage.

## **COMMITTEE WORK**

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The Educational Affairs Committee reviewed a section of the Annotated Code of Maryland, reviewed policies at peer and Big 10 institutions, and spoke with stakeholders across campus. These include the Senate Student Affairs Committee, faculty who use or study social media in their courses, representatives of the Career Center and the Department of Intercollegiate Athletics, and the Associate Provosts for Faculty Affairs and Learning Initiatives.

The committee considered whether a more restrictive policy was necessary to resolve concerns related to the policy's privacy implications. It decided against significantly narrowing or eliminating the conditions under which social media can be used, both for practical reasons and because doing so would unreasonably impinge on the prerogatives of faculty members or unnecessarily limit important career-development opportunities. It did, however, recommend language indicating that University faculty and staff cannot obligate students to violate the terms of service of any social media platform. The committee also recommended several revisions to clarify ambiguous language and explicitly acknowledge relevant state law and University policy.

In its review, the committee explored various options for addressing violations of the policy. After discussing a range of possibilities, it decided to recommend that complaints should be directed to the appropriate unit-level administrator.

The proposed revisions and recommendations were reviewed by the Office of General Counsel. The Educational Affairs Committee voted to approve the revised Policy on Student Social Media Privacy (V-1.20[A]) and recommendations by an email vote concluding May 15, 2017.

## **ALTERNATIVES**

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The Senate could choose not to approve the revised Policy on Student Social Media Privacy and accompanying recommendations, leaving the interim policy in place.

## **RISKS**

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There are no associated risks.

## **FINANCIAL IMPLICATIONS**

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There are no financial implications.



## **Review of the Interim University of Maryland Policy on Student Social Media Privacy**

### **2016-2017 Committee Members**

<b>Bryan Eichhorn</b> (Chair)	<b>Celina McDonald</b> (Faculty)
<b>Ben Bederson</b> (Ex-Officio Provost's Rep)	<b>Abani Pradhan</b> (Faculty)
<b>Fasika Delessa</b> (Ex-Officio SGA Rep)	<b>Kellie Robertson</b> (Faculty)
<b>Linda Macri</b> (Ex-Officio Graduate School Rep)	<b>Dylan Selterman</b> (Faculty)
<b>Marcio Oliveira</b> (Ex-Officio Division of IT Rep)	<b>Elizabeth Soergel</b> (Faculty)
<b>Doug Roberts</b> (Ex-Officio Associate Dean for General Education)	<b>Ji Seung Yang</b> (Faculty)
<b>Adria Schwarber</b> (Ex-Officio GSG Rep)	<b>Michelle Brooks</b> (Exempt Staff)
<b>Ann Smith</b> (Ex-Officio Undergraduate Studies Rep)	<b>Cathy Fisanich</b> (Non-Exempt Staff)
<b>Lindsey Anderson</b> (Faculty)	<b>Prasoon Gupta</b> (Graduate Student)
<b>John Buchner</b> (Faculty)	<b>Anne Tavera</b> (Undergraduate Student)
<b>Vedat Diker</b> (Faculty)	
<b>Jeffrey Henrikson</b> (Faculty)	

### **Date of Submission**

**May 2017**

## **BACKGROUND**

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In October 2016, the University President approved an interim Policy on Student Social Media Privacy (V-1.20[A]). The policy, modelled on a similar one established by the University System of Maryland (USM), circumscribes the actions of University employees who interact with students' social media accounts. The interim policy provides specific criteria under which students can be required to use social media in academic or career-based activities. In February 2017, the Senate Executive Committee (SEC) voted to charge the Senate Educational Affairs Committee with reviewing both the interim policy and a relevant Maryland state law; reviewing similar policies at peer and Big 10 institutions; consulting with various campus stakeholders; considering how grievances should be addressed; and recommending revisions to the policy, if appropriate (Appendix 4).

## **COMMITTEE WORK**

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The Educational Affairs Committee began its review in March 2017. In researching the policy's origins, the Educational Affairs Committee learned that in 2013 the Maryland General Assembly directed the USM to develop a policy that would protect students' social media privacy. In response, the USM created the Policy on Student Social Media Privacy (V-1.20), which was approved by the Board of Regents in November 2013. Faculty members at USM institutions raised concerns that the policy prohibited the legitimate use of social media in academic and career-based activities. The USM revised the policy in 2014 to ensure that it permitted the responsible use of social media in appropriate contexts. It also directed each USM institution to develop its own social media privacy policy. The University of Maryland policy was approved on an interim basis by the President in October 2016.

The committee reviewed the Annotated Code of Maryland, Education Article, Section 26-401 (Appendix 1). Based on SB0210, the law establishes protections for student social media privacy at

state institutions of postsecondary education. While the law is more detailed than either the USM or University policy, it establishes the same basic protections for students. The committee learned that few peer and Big 10 institutions provide similar protections for students' social media privacy (Appendix 2). While many institutions have policies regulating faculty and staff social media use, few have policies that apply to students in academic contexts, and only the University of California System's policy provides protections similar to those of the USM and University policies. The committee also consulted with the Senate's Student Affairs Committee. The Student Affairs Committee generally supported the principles behind the policy, agreeing that social media can be a valuable tool and praising the policy's incorporation of generic social media accounts (Appendix 3).

In reviewing the interim policy, the committee carefully considered the role social media can play in certain academic and career-based activities. It consulted with faculty in the College of Information Studies and the Philip Merrill College of Journalism who incorporate social media in their courses. It learned that social media plays a significant role in a range of classes, whether as a subject of study or as an invaluable tool for students entering particular fields, such as journalism. The usefulness of social media in establishing and advancing a career was echoed by representatives of the University Career Center & The President's Promise, which teaches students how to use social media to identify or appeal to potential employers. The committee also consulted with representatives of the Department of Intercollegiate Athletics, which is aware of the policy and state law and has identified staff members responsible for ensuring its employees are in compliance.

During the committee's review, several committee members and the Associate Provost for Faculty Affairs expressed concerns with the policy's privacy implications. The committee considered whether any engagement with students' social media accounts could blur important ethical boundaries and open University faculty and staff to potential legal liability, and considered developing a more restrictive policy to mitigate those concerns. The committee also considered requiring that each College establish a system for reviewing and approving any syllabus incorporating social media use. After consideration, the committee decided against these approaches, both for practical reasons and because they unreasonably impinged on the prerogatives of faculty members or unnecessarily limited important career-development opportunities. However, units may want to consider structures to review the use of social media in academic or career-based activities, if appropriate.

The committee did conclude that greater specificity could facilitate compliance with the policy, and discussed concerns with the section of the policy covering activities that require the use of a social media account. The policy includes provisions related to generic social media accounts, which can be used to fulfill the requirements of an academic or career-based activity. The committee found that some social media platforms do not allow individuals to create more than one account, and/or require that accounts be opened using an individual's legal name (e.g. Facebook and LinkedIn). The committee developed revisions that explicitly indicate that University faculty and staff cannot require the use of social media when doing so would obligate students to violate a social media platform's terms of service. Given that many social media platforms are not yet fully accessible, the committee also added a reference to the University's Disability & Accessibility Policy and Procedures.

The committee discussed appropriate grievance procedures at length and explored various options for addressing violations of the policy. It initially considered revising the Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure to encompass violations of the social media policy. These grievance procedures, however, only apply to undergraduate students; they would not be suitable for graduate students or for complaints unrelated to an academic activity,

such as those that could be brought by student athletes, students using the Career Center, or student employees. The committee considered identifying a compliance officer responsible for resolving complaints, though finding a single individual or office that could appropriately hear complaints from students, athletes, and employees proved difficult. Given that violations of the policy are likely to be rare and inadvertent, the committee decided that complaints should be directed to the appropriate unit-level administrator.

The committee made a series of additional revisions to clarify terminology and remove ambiguity regarding the definition of “access.” It also expanded the “Purpose” section to directly reference the state law and the potential consequences for violating it, and to indicate that compliance is the responsibility of each University employee. In addition to these revisions, the committee drafted several recommendations intended to raise awareness of the policy across campus. The committee consulted extensively with the Associate Provost of Learning Initiatives during its review and determined that the Teaching and Learning Transformation Center would be well-positioned to develop resources and provide training to help faculty members navigate the evolving social media landscape and to explore ways to responsibly incorporate social media in their courses. The policy revisions and recommendations were reviewed by the Office of General Counsel. The Educational Affairs Committee voted to approve the revised policy and recommendations by an email vote concluding on May 15, 2017.

## RECOMMENDATIONS

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The Educational Affairs Committee recommends that the Senate approve the revised Policy on Student Social Media Privacy (V.1-20[A]), which immediately follows this report.

The Educational Affairs Committee recommends that the Teaching and Learning Transformation Center (TLTC) develop resources for faculty and teaching assistants that address the responsible use of social media in courses and communicate the potential consequences associated with violations of this policy or state law. These resources should be regularly updated to reflect the advent of new social media platforms and changes in the terms of service of existing platforms. The TLTC should also incorporate responsible social media use in applicable seminars and trainings, including its Graduate Student Teaching Orientations.

The Educational Affairs Committee recommends that the Senior Vice President and Provost inform deans, department or program chairs, and other relevant administrative staff of their responsibilities under the policy. Specifically, such notifications should ensure that unit-level administrators are aware of their role in hearing complaints, the resources related to the responsible use of social media in courses, the importance of creating structures to review the use of social media in academic or career-based activities in their units, and the potential consequences associated with violations of this policy or state law.

Finally, the Educational Affairs Committee recommends that the Office of Undergraduate Studies add information on the policy to its Course Related Policies webpage.

## APPENDICES

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Appendix 1 — Annotated Code of Maryland, Education Article, Section 26-401

Appendix 2 — Peer Institution Research

Appendix 3 — Student Affairs Committee Memo on the Interim Student Social Media Privacy Policy

Appendix 4 — Senate Executive Committee Charge on the Review of the Interim University of Maryland Policy on Student Social Media Privacy (Senate Document #16-17-23)



**V-1.20(A) UNIVERSITY OF MARYLAND POLICY ON STUDENT SOCIAL MEDIA PRIVACY**

(Approved by the President on an Interim basis October 25, 2016)

**I. PURPOSE**

This policy serves as a guide to ensure compliance with the Annotated Code of Maryland, Education Article, Section 26-401. It applies to all University faculty, staff, and students, and helps ensure the privacy rights of students. ~~This policy recognizes the importance of privacy in a student's personal activities involving the use of social media.~~ It also recognizes that the use of Social Media by University employees plays a valuable and appropriate role in academic and career-based activities to the benefit of students. ~~The purpose of this policy is to set forth appropriate rules to protect student privacy interests while permitting the use of Social Media for academic and career-based activities.~~ The policy is intended to permit the appropriate use of Social Media while ensuring compliance with state and federal law and protecting student privacy. Ultimately, however, it is the responsibility of each University employee (e.g. instructor, teaching assistant, athletic staff, counselor, etc.) to ensure they are in compliance. Individuals who violate the state law may be subject to civil liability.

**II. DEFINITIONS**

- A. "Non-Public Access Information" refers to the security information required to access a Social Media account. Examples include: passwords, log-in information, or other private and confidential information required to gain access to a Social Media account.
- B. "Personal Social Media Account" refers to a Social Media account that allows social interaction and dissemination of information to others, created and maintained by a student, prospective student, or applicant in whole or in part for private use. It does not include:
1. ~~a~~An account on a ~~s~~Social ~~m~~Media platform owned or provided by an educational institution; or
  2. ~~a~~An account on a ~~s~~Social ~~m~~Media platform created by a student, prospective student, or applicant specifically for academic or University-assisted, career-based activities.
- C. "Social Media" are ~~internet-based~~electronic applications that enable users to

participate in social networking by exchanging content with other users. Examples of Social Media include but are not limited to LinkedIn, Facebook, Twitter, YouTube, Flickr, Instagram, **and** Tumblr, ~~and~~ Vine.

### III. UMCP SOCIAL MEDIA PRIVACY RULES

- A. University employees shall not require, request, suggest, or cause a student, prospective student, or applicant to disclose, grant access to, or allow observation of Non-Public Access Information pertaining to any Social Media account. University employees shall not require that a student, prospective student, or applicant change the privacy settings on a Personal Social Media Account.
- B. University employees shall not require a student, prospective student, or applicant to designate a University employee or agent of the University as a “friend,” a “follower,” or any other designation that would afford the employee or agent access to a Personal Social Media Account **information that is not publicly available**.
- C. University employees shall not require a student, prospective student, or applicant to log onto any Social Media account in the presence of a University employee or agent of the institution.
- D. University employees shall not require that a student, prospective student, or applicant provide names of the Social Media platforms that he/she employs.

### IV. DISCIPLINE

University employees shall not suspend, expel, discipline, penalize, or threaten to take any of the aforementioned actions against any student, prospective student, or applicant for refusing to provide information in response to a request that is prohibited under Section III of this Policy.

### V. LIMITATIONS

This Policy does not prohibit the following activities:

- A. University employees may require a student to ~~provide access to use~~ a Social Media account **in an academic or career-based activity** provided that:
  - 1. The student has the option, at his or her own election, to complete the ~~assignment or~~ activity by using an existing Personal Social Media Account or by creating a generic **(or alternative)** Social Media account;
  - 2. **Students are not obligated to violate the terms of service of any Social Media account;**
  - 23. ~~access-~~Use is limited to the academic or career-based activity;
  - 34. ~~€~~The student is not required to provide Non-Public Access Information; **and**
  - 45. ~~€~~The academic or career-based activity is designed and administered in a

manner that is consistent with ~~the III-6.30(A)~~ University of Maryland, College Park Policy and Procedures on the Disclosure of Student Education Records ~~(III-6.30[A])~~ and the **University of Maryland Disability & Accessibility Policy and Procedures (VI-1.00[D])**.

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

- B. University employees may ~~access-view~~ Personal Social Media Account information that has been voluntarily provided to them by a student, prospective student, applicant, or third party.
- C. University employees may ~~access-view~~ publicly accessible information relating to a student, prospective student, or applicant's Personal Social Media Account.

## **VI. COMPLAINTS**

**Students should report violations of this policy to their unit administrator.**

*Md. EDUCATION Code Ann. § 26-401*

Annotated Code of Maryland  
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\*\*\* Statutes current through January 1, 2017 and all chapters of the 2016 Regular Session of the  
Maryland General Assembly. \*\*\*

EDUCATION  
DIVISION IV. OTHER EDUCATION PROVISIONS  
TITLE 26. PROHIBITIONS AND PENALTIES  
SUBTITLE 4. PERSONAL ELECTRONIC ACCOUNT PRIVACY PROTECTION.

Md. EDUCATION Code Ann. § 26-401 (2017)

§ 26-401. General consideration.

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Access information" means a user name, a password, log-in information, an account name, or any other security information that protects access to a personal electronic account.

(3) "Institution of postsecondary education" has the meaning stated in § 10-101(i) of this article.

(4) (i) "Personal electronic account" means an account created via an electronic medium or a service that allows users to create, share, or view user-generated content, including uploading or downloading videos or still photographs, blogs, video blogs, podcasts, messages, electronic mail, Internet Web site profiles or locations, or any other electronic information.

(ii) "Personal electronic account" does not include an account that is opened on behalf of, or owned or provided by, an institution of postsecondary education.

(5) "Student" includes an individual who is a participant, trainee, or student in an organized course of study or training offered by an institution of postsecondary education.

(b) Postsecondary institution prohibited from requiring access to student's personal electronic account. -- Subject to subsection (c) of this section, an institution of postsecondary education may not:

(1) Require, request, suggest, or cause a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account;

(2) Compel a student, an applicant, or a prospective student, as a condition of acceptance or participation in curricular or extracurricular activities, to:

(i) Add to the list of contacts associated with a personal electronic account any individual, including a coach, a teacher, an administrator, another employee of the institution of

postsecondary education, or a volunteer; or

(ii) Change the privacy settings associated with a personal electronic account;

(3) Take any action or threaten to take any action to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a student as a result of the student's refusal to:

(i) Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;

(ii) Add any individual to the list of contacts associated with a personal electronic account; or

(iii) Change the privacy settings associated with a personal electronic account; or

(4) Fail or refuse to admit an applicant as a result of the applicant's refusal to:

(i) Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;

(ii) Add any individual to the list of contacts associated with a personal electronic account; or

(iii) Change the privacy settings associated with a personal electronic account.

(c) Construction. -- This section may not be construed to:

(1) Prohibit an institution of postsecondary education from requesting or requiring a student to disclose access information to allow the institution of postsecondary education to gain access to an electronic account:

(i) Opened at the institution of postsecondary education's behest; or

(ii) Provided by the institution of postsecondary education;

(2) Prohibit or restrict an institution of postsecondary education from viewing, accessing, or utilizing information about a student, an applicant, or a prospective student that:

(i) Can be obtained without access information;

(ii) Is publicly accessible; or

(iii) Is available to the institution of postsecondary education as the result of actions undertaken independently by the student;

(3) Create a duty requiring an institution of postsecondary education to search or monitor the activity of a personal electronic account;

(4) Make an institution of postsecondary education liable for failing to request or require a student, an applicant, or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account;

(5) Prohibit a student, an applicant, or a prospective student from allowing an athletic coach or administrator to view the student's, applicant's, or prospective student's publicly accessible

communications; or

(6) Apply to:

(i) A suspected criminal activity investigation into the publicly accessible communications of a student, an applicant, or a prospective student that is performed by a public safety department or police agency of an institution of postsecondary education; or

(ii) An investigation, an inquiry, or a determination relating to the publicly accessible communications of a student, an applicant, or a prospective student that is conducted in accordance with the health or public safety administration assessment policy or protocol of an institution of postsecondary education.

(d) Official policy. -- Notwithstanding any other provision of this section, the governing board of an institution of postsecondary education may adopt a policy authorizing an employee of the institution of postsecondary education to request a student, in order to complete an academic or career-based activity, to create a generic personal electronic account.

(e) Civil action. --

(1) Subject to paragraph (2) of this subsection, an individual who is the subject of a violation of any provision of this section may:

(i) Bring a civil action to enjoin the violation or for damages;

(ii) Add a claim for damages to an action seeking injunctive relief; and

(iii) Recover not more than \$ 1,000 in damages plus reasonable attorney's fees and court costs.

(2) An individual may not bring an action for damages or add a claim for damages to an action seeking injunctive relief under this section until at least 60 days after making a written demand of the alleged violator for not more than \$ 1,000 that:

(i) Includes reasonable documentation of the violation; and

(ii) Is served in the manner provided for service of process in a civil action under the Maryland Rules or by certified mail to the residence or principal office or place of business of the alleged violator.

(3) An action under this subsection may be brought in the District Court for the county in which:

(i) The alleged violation occurred; or

(ii) The alleged violator resides or has a principal office or place of business.

(f) Affirmative defense. -- It is an affirmative defense to any claim under this section that the institution of postsecondary education acted to comply with the requirements of a federal or State law.

**HISTORY:** 2015, chs. 465, 466.

## Appendix 2: Peer Institution Research

Name of Institution	Policy Links	If Policy, Grievance Procedures?	Does Policy Reference SM Use In Admissions?	Does Policy Reference Classroom Use?	Does It Allow for Generic Accounts?
Indiana University	No policies	N/A	N/A	N/A	N/A
Michigan State University	No policies	N/A	N/A	N/A	N/A
Northwestern University	No policies	N/A	N/A	N/A	N/A
Ohio State University	No policies	N/A	N/A	N/A	N/A
Pennsylvania State University	Physical Therapist Assistant Student Handbook has policy covering appropriate/prohibited conduct at <a href="https://sites.psu.edu/hnpsuptahandbook/social-media-policy/">https://sites.psu.edu/hnpsuptahandbook/social-media-policy/</a>	no	no	no	no
Purdue University	<a href="http://www.purdue.edu/policies/information-technology/viic2.html">http://www.purdue.edu/policies/information-technology/viic2.html</a> - <b>only covers institution-affiliated accounts</b>	If someone feels their information has been comprised they are to report the incident to <a href="mailto:abuse@purdue.edu">abuse@purdue.edu</a> .	N/A	N/A	N/A
Rutgers University	No policies	N/A	N/A	N/A	N/A
University of California-Berkeley	System-wide policy, covers prospective and current students as well as student groups <a href="https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1349">https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1349</a>	No	Yes (covers prospective students)	By implication	Does not address
University of California-Los Angeles	System-wide policy, covers prospective and current students as well as student groups <a href="https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1349">https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1349</a>	There are grievance procedures associated with FERPA violations.	Yes (covers prospective students)	By implication	Does not address
University of Illinois-Urbana Champaign	No policies	N/A	N/A	N/A	N/A
University of Iowa	No policies	N/A	N/A	N/A	N/A
University of Kansas	Policy governing permissible social media engagement (including content) by faculty/staff: <a href="http://www.kansasregents.org/resources/PDF/About/BoardPolicyManual.pdf">http://www.kansasregents.org/resources/PDF/About/BoardPolicyManual.pdf</a>	No	No	Yes (use in context of "academic instruction within the instructor's area of expertise" is "not improper")	No
University of Michigan	No policies	N/A	N/A	N/A	N/A
University of Minnesota	No policies	N/A	N/A	N/A	N/A
University of Nebraska-Lincoln	No policies	N/A	N/A	N/A	N/A
University of North Carolina-Chapel Hill	No policies	N/A	N/A	N/A	N/A
University of Wisconsin-Madison	No policies	N/A	N/A	N/A	N/A



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Memorandum

To: Bryan Eichhorn, Chair, Senate Educational Affairs Committee

From: Adam Berger, Chair, Senate Student Affairs Committee

Date: March 3, 2017

Re: Request for Assistance with the Review of the Interim University of Maryland Policy on Student Social Media Privacy (Senate Document #16-17-23)

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I am writing on behalf of the Student Affairs Committee (SAC) to address the questions posed by the Educational Affairs Committee (EAC). The SAC reviewed the Interim Policy on Student Social Media Privacy, which it discussed at its meeting on February 24. The SAC's feedback is minimal, as it is generally supportive of the policy being made permanent. Specific observations and questions are included below. Please feel free to contact the Student Affairs Committee with any additional questions or concerns.

- Committee members (including students, faculty, and administrators) noted the potential pedagogical value of social media use in the classroom, especially given its relevance to students' personal and professional lives.
- While there are certainly situations in which the use of a personal account may be ideal (such as in career exercises that involve creating and enhancing a LinkedIn profile), the committee appreciated the stipulation that students are allowed to create a generic social media account if they prefer.
- However, some on the committee wondered whether faculty should be discouraged from permitting students to use their personal social media accounts for classroom activities at all, given potential privacy and liability concerns.
- Committee members felt that implementation of this policy should include a significant educational component directed at both students and University employees (particularly faculty members). This educational component should ensure students are equipped to be proactive in insisting on the use of a generic social media account.
- The committee also felt this policy provides an excellent opportunity to further educate students (and faculty) about the importance of carefully setting and monitoring social media privacy settings. Such a conversation can emphasize the importance of knowing precisely what is publicly available. It is important that the University clearly communicate the potential consequences of over-sharing, both for one's personal and professional life. Publicly posted information is available for anyone in the world to view.

- The committee appreciates that the policy clearly protects students from being forced to share private information with any University employee, and notes that "tracking students" is not a legitimate component of the University's educational mission.
- One committee member asked that the policy include an explicit exemption that protects students who do not want to engage with social media for religious reasons.
- One committee member also found the use of the term "election" in V.A.1 to be awkward and unnecessarily stilted/legalistic. Alternative phrasings might instead refer to "choice" or "decision."

**Appendix 4: Senate Executive Committee Charge on the Review of the Interim University of Maryland Policy on Student Social Media Privacy (Senate Document #16-17-23)**



**University Senate  
CHARGE**

<b>Date:</b>	February 1, 2017
<b>To:</b>	Bryan Eichhorn Chair, Educational Affairs Committee
<b>From:</b>	Jordan A. Goodman Chair, University Senate 
<b>Subject:</b>	Review of the Interim University of Maryland Policy on Student Social Media Privacy
<b>Senate Document #:</b>	16-17-23
<b>Deadline:</b>	May 5, 2017

The Senate Executive Committee (SEC) requests that the Educational Affairs Committee review the interim University of Maryland Policy on Student Social Media Privacy and make recommendations on whether it is appropriate or on needed revisions. Specifically, we ask that you:

1. Review the interim University of Maryland Policy on Student Social Media Privacy ([V-1.20\[A\]](#)).
2. Review [SB0210 - Institutions of Postsecondary Education - Personal Electronic Account - Privacy Protection](#), the state legislation that led to this specific policy.
3. Review similar policies and procedures on student social media privacy at peer institutions and other Big 10 institutions.
4. Consider how grievances related to violations of this policy should be handled.
5. Consult with the Associate Provost for Faculty Affairs.
6. Consult with the Associate Provost of Learning Initiatives.
7. Consult with the Senate Student Affairs Committee.
8. Consult with the University's Office of General Counsel on any proposed changes to the policy.
9. If appropriate, recommend whether the interim policy should be revised and submit recommended revisions to the interim policy for Senate consideration.

We ask that you submit your report and recommendations to the Senate Office no later than May 5, 2017. If you have any questions or need assistance, please contact Reka Montfort in the Senate Office at [301-405-5804](tel:301-405-5804) or [reka@umd.edu](mailto:reka@umd.edu).

JAG/rm