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## Balancing Academic Freedom and Professionalism: A Commentary on University Social Media Policies

*Lauren B. Solberg\**

The increased use of social media has prompted numerous universities to govern the ways that their faculty use social media. Such policymaking is appropriate given that university employees sometimes use social media in inappropriate ways that could ultimately prove detrimental to the educational and other services that the institution provides.<sup>1</sup> However, “[a]cademic freedom is the indispensable quality of institutions of higher education”<sup>2</sup> and when faculty members “speak or write as citizens, they should be free from institutional censorship or discipline.”<sup>3</sup> Overly restrictive social media policies may jeopardize the academic freedom of university faculty members. Thus, university social media policies should simultaneously protect the institution and preserve the academic freedom of the faculty.

Faculty members should conduct themselves “professionally” online. Indeed, they have a “special position in the community [which] imposes special obligations.”<sup>4</sup> This idea is especially important in fields such as law and medicine, where professional responsibility and professionalism are key components of the curriculum. However, some institutions’ policies either directly or implicitly state that its employees can, at any time, be perceived as acting as representatives of the institution when posting online, and they should conduct themselves accordingly. This places a high burden on faculty members – one that could require them to meet an impossibly high standard. The risk to academic freedom is introduced when policies suggest that faculty members have the inability to act as individuals with respect to their online activities. There is further risk to academic freedom

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<sup>1</sup> See, e.g., Nick DeSantis, *U. of New Mexico Censures Professor Over Tweet About Fat Ph.D. Applicants*, CHRON. HIGHER EDUC. (Aug. 6, 2013), <http://chronicle.com/blogs/ticker/u-of-new-mexico-censures-professor-over-tweet-about-fat-ph-d-applicants/64367>.

<sup>2</sup> *Academic Freedom*, AM. ASS’N UNIV. PROFESSORS, <http://www.aaup.org/issues/academic-freedom> (last visited Feb. 1, 2014).

<sup>3</sup> AM. ASS’N UNIV. PROFESSORS, 1940 STATEMENT ON ACADEMIC FREEDOM AND TENURE 3 (2006), available at <http://www.aaup.org/file/principles-academic-freedom-tenure.pdf>.

<sup>4</sup> *Id.*

when the faculty is expected to conform to a standard based on the judgment of an unspecified individual or group.

However, faculty members neither have the right to nor should they expect a private life online that is entirely separate from their public life online; privacy online is a virtual impossibility as the risk of re-disclosure of information is too great. It is indeed advisable for faculty members to draw boundaries to divide what they consider their personal and professional lives – for example, by declining to be Facebook friends with their students. Given the evidence that students will likely judge their faculty based on information posted on sites like Facebook by their professors,<sup>5</sup> this is a good practice.

Despite the fact that faculty members should have no reasonable expectation of privacy with respect to the information they post on social media, their academic freedom should allow them to act as individuals who are held to a professional, but reasonable and clear, standard.

In light of the rapid changes that occur in our technological world, as well as the rapidly increasing use of numerous social media outlets, regular review of university social media policies is important. Such review ensures that the policies reflect the current state of the social media tools that exist, that such policies are effective, and that academic freedom is not threatened.

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<sup>5</sup> Merry J. Sleight et al., *Professors' Facebook Content Affects Students' Perceptions and Expectations*, 16 CYBERPSYCH., BEH., & SOC. NETWORKING 489 (2013).