

Beer, Bad Judgment, and Facebook

Employee privacy is something that campus and school district leaders should explain and describe to all employees at the start of each school year. It should be defined as to what it means and what actions would be considered violations. Specifically, clearly defined expectations for employees on how social media can be used should be outlined, including what is considered private information versus public information (i.e., some school districts do not allow for teachers to post where they work). In this case study, we meet a group of teachers who face big problems when their private actions are made public on Facebook—and an administrator who must respond. As a side topic, this case study also looks at how the death of a teacher affects an elementary campus.

THE CASE

The Principal and the Acclaimed Elementary School

Dr. Martin became the principal of North Briar Elementary (NBE) two years ago when he moved to the large suburban city of Briar Highlands. Because the student population at the school has increased each year, he has been given the okay to hire four additional teachers for his campus, including one to teach kindergarten. Dr. Martin called the new teachers into his office a week before school started to brief them on the district and campus policies and on his own expectations of teachers on his staff.

During the briefing, Dr. Martin emphasized that collaboration and teamwork are required of NBE teachers and that NBE's reputation for good teaching is extremely important, because it encourages the students

to excel. Dr. Martin explained that the current teachers of NBE have implemented a team approach to everything they do. Working together as a team has brought the teachers closer to one another and fosters a familial atmosphere on campus. As a whole, the school family has become quite close and, in Dr. Martin's opinion, that closeness is a big reason why NBE has such a terrific reputation.

Word of mouth about NBE's dedicated staff has enticed many new families to move to Briar Highlands, raising student enrollment. NBE has also had many student transfer requests from across the district, and it is becoming quite large for an elementary school, with a current population of 932 students. Being a part of a growing school with new students each year is exciting for the staff. Despite NBE's stellar reputation, however, troubling rumors about some teachers' personal lives have recently been circulating. However, as the rumors have not directly affected the learning environment, Dr. Martin has chosen not to address them.

The Fifth-Grade Teaching Team

For about three years, the team of fifth-grade teachers at NBE have had a questionable reputation. They are all women in their twenties who are either married or in a relationship, but their relationship status does not prevent them from partying together controversially, according to the rumor mill. The teachers and their husbands and boyfriends allegedly meet at one of the teacher's homes routinely every Saturday to play a series of drinking games that result in everyone getting drunk. At midnight, the partner swapping supposedly begins, with either the men or the women drawing names from a bowl to determine with whom they will spend the rest of the night having sex, just as long as it is not their significant other. The next morning, each reunited couple goes home to sleep off their hangover.

At school on Mondays, the fifth-grade teachers are always upbeat and motivated to teach, and their enthusiasm lasts through the entire week. Even though many people have gossiped about the infamous Saturday nights, the teachers have never given anyone a spark of evidence to confirm the gossip. One of the main reasons why Dr. Martin and other administrators have not addressed the rumors is that even if the teachers have been partying on the weekends in private homes, at school they always behave as top-notch teachers. Additionally, the teachers have never spoken about these Saturday-night trysts, even when asked directly about them.

Recently, the rumormongers have expanded their stories to include parents who are allegedly being invited to the teachers' Saturday soirees. Supposedly, only a few select parent couples who have been vetted as interested, good-looking, and able to be discreet have been invited to join this secret society. Still, no actual evidence confirming the rumors has

ever been linked to the teachers, and no one has lodged a complaint with Dr. Martin, the superintendent, or the school board.

When Dr. Martin first started at NBE, he was told about this rumor, but he quickly perceived that the fifth-grade teachers are exceptional educators whose students succeed in their coursework and consistently score in the upper ninetieth percentile on state assessments. Two of the teachers have won the school district's Teacher of the Year award, and one of them has been named Teacher of the Year by her teachers' association. Furthermore, this team of teachers is well respected by the school staff, the students, and the parents. Each year, the fifth-grade teachers are honored by their peers on campus as having the best-behaved students and the best-designed lesson plans for producing outstanding student achievement. Dr. Martin has assumed that surely teachers who merit such accolades could not be behaving unbecomingly during their personal time. Or could they?

A Campus Tragedy and a Vulnerable New Teacher

Dr. Martin had every reason to expect that his third year at NBE would be another impressive one that would further enhance the school's reputation. In January, however, things began to unravel at NBE. For instance, a pregnant kindergarten teacher, Mrs. Cantrell, was killed in a car accident on her way to school one morning. News of her death devastated the campus. Mrs. Cantrell had been an especially lively and supportive teacher and was missed very much.

Because of her natural teaching ability and her successes with students, Mrs. Cantrell had been appointed to mentor the new kindergarten teacher, Ms. Price. The relationship was a fruitful one, and Ms. Price felt lucky that she was being guided by such a loved and masterful teacher. After her mentor died, Ms. Price was finding it difficult to get back into teaching.

On a Friday, five weeks after Mrs. Cantrell's death, two of the fifth-grade teachers found Ms. Price crying in the teachers' workroom and tried to comfort her. They listened to her lamenting the loss of the mentor she had learned so much from, and they tried to help her feel better about moving on and perfecting her craft as a teacher. Eventually, the two fifth-grade teachers invited Ms. Price to their Saturday gathering, and she accepted. Following her mentor's advice, Ms. Price had not paid much attention to rumors, so when she decided to attend the get-together, she thought it would be an innocent dinner with good conversation. She was happy about the prospect of getting to know new teachers to pal around with, and she looked forward to relaxing with colleagues who were so revered.

Arriving alone at the gathering, Ms. Price immediately recognized all the fifth-grade teachers and also identified three sets of parents she had seen on the campus. She had not been told that parents would be at the

party too, so she was not sure whether she should stay. After the teachers welcomed her and said that the parents were "cool," she felt a little more at ease. Later, one of the teachers told her in private that the parents were a new addition to their Saturday-night parties, because the teachers' spouses and boyfriends wanted "fresh meat." Ms. Price did not understand this odd comment, but she thought it was probably an inside joke and did not question it.

During dinner, Ms. Price began to feel uncomfortable again, not only because she was the lone person there who was not in a couple but because the men began to flirt with her. She did not want to seem rude or ungrateful for her colleagues' hospitality, so she reluctantly stayed. After dinner, Ms. Price noticed that everyone was becoming inebriated and wanted to play games that involved even more drinking. These pursuits did not interest her, so she decided to leave, despite the many protests she received. On her drive home, Ms. Price concluded that although she would be friendly to the fifth-grade teachers at school, she would no longer meet with them socially.

A Fateful Evening

The rest of the night for the remaining partygoers was more rambunctious than ever, and the teachers did something they had never done before: They allowed photographs to be taken. One of the male parents wanted to take pictures of all the fun and of each of the twosomes as they went to separate rooms. He promised to keep the pictures private and to send them only to the participants but, in a stupor, he uploaded some of the risqué photos to Facebook early Sunday morning.

By Monday morning, the new rumor making the rounds led many teachers to check out the parent's Facebook page, where they saw unseemly photographs of the teachers, their husbands and boyfriends, and the parents drinking and in suggestive poses. Thankfully for Ms. Price, she was not in any of the photos. For many at NBE, this was disappointing and disheartening proof that the rumors floating around for the past three years were true. That a parent had been the one to post the pictures somehow made the confirmation even more distressing. The parent's ultimate goal seemed to be that he wanted to share the experience with other couples he knew, to entice them to start a swingers' club with him and his wife.

When the news hit the campus, Dr. Martin was at a meeting at the central office. As he was heading back to his car, he received a call from his secretary, advising him to take a look at the parent's Facebook page. Using his phone to find the webpage, Dr. Martin was stunned and sickened to discover that the rumors about the fifth-grade teachers were true after all. Sitting in his car in the central office parking lot, he pondered the situation and thought about what he would have to do next.

WHAT ELSE DO I NEED TO KNOW?

The following is a brief insight into the issues presented in the case study, with a brief literature review to help give context to those issues.

Teachers' Private Lives, Freedom of Speech, and Ethics

Can teachers be reprimanded by their administrators for things they have done in their private lives and in their private homes? Can a teacher be fired for something that happened in the past? Should a teacher be fired for violating school board policy regarding moral turpitude? Can teachers be fired for a pictures posted by another person on a popular social media website? And, do young teachers have an unfair bull's-eye on them? The answers to these questions are all related to the relationship between school districts and teachers. It must be remembered that educators are employees of a school district and that school districts may legally make policies that allow a contract to be terminated because of an employee's private activities once they become public. For young teachers,

...[they] have grown up in the cyber age and often do not recognize the boundaries between work and play that their more mature peers observed. Boundaries are more easily violated with social networking technology. What was once private is now very public. (O'Donovan, 2012, p. 34)

Regardless of age, all employees should distinguish between what is professional and what is not; this will help in recognizing the boundaries between work and play.

In cases that involve non-educators, the answers to the questions may seem clearer. In *San Diego v. Roe* (543 US 77 [2004]), for example, John Roe was a San Diego police officer who was fired for selling a sexually graphic video of himself on eBay. The video was sold through eBay's adults-only section and revealed Roe stripping off a police uniform and masturbating. Although he did not disclose his actual name, Roe identified himself as a police officer in his eBay profile, and his user name (code3stud@aol.com) was a play on words, since Code 3 was a high-priority police code in San Diego. After his superiors found out about this enterprise, Roe was fired from the police force for making and selling a video that showed him "engaging in sexually explicit acts." Given that the video was made in private and was sold privately, was Roe's termination a violation of his First Amendment right to free speech? Ultimately, the U.S. Supreme Court unanimously said no. As was partly established in *Connick v. Myers* (461 US. 138 [1983]), government employers may restrict employees' speech that is not of public concern without violating their First Amendment rights. Thus, the Supreme Court found that Roe's termination did not violate his

rights, because his video was not a matter of public concern: that is, it did not help to inform the public about the police department, and it was also detrimental to the police force.

Our case study shares some similarities with the *San Diego v. Roe* case, as the teachers of NBE were photographed performing sexual acts in private. When the photographs were posted online, however, their private actions thereby became detrimental to the school and the district, and their ability to teach effectively became questionable. As in the *San Diego v. Roe* case, the teachers' actions did not involve a matter of public concern, so firing the teachers would not violate their right to free speech, right? Unfortunately for these teachers, social networking has opened "...a number of ethical vulnerabilities that may be unlike those encountered in other areas of the teaching profession." (Foulger, Ewbank, Adam, Popp, & Carter, 2009, p. 18)

Educators are held to a higher standard than most professionals because they are in constant contact with children. "The public often holds teachers to a higher moral and ethical standard than the general populace because they are mentors, coaches, and examples for the nation's youth" (Miller, 2011, p. 637). However, it is understood that educators are people who do have personal lives that are in parallel to their professional lives. Although parents do expect a much more stringent, higher standard from teachers, teachers will make mistakes. When it comes to any social media sites, mistakes can be made: "Facebook can make private conversations or social gatherings public—sometimes because of lapse of judgment on the teacher's part, and sometimes involuntarily or unwittingly" (Miller, 2011, p. 639). Although teachers (and other school employees) will make mistakes, remaining diligent in holding that moral and ethical standard at all times will help lapses of judgment be few.

So, what is to be done about the use of social media by educators? Are there guidelines or procedures that can be emulated? In an article about health care education, a discussion on e-professionalism was a focus. As defined by Cain and Romanelli, e-professionalism is the "attitudes and behaviors ... reflecting traditional professionalism paradigms that are manifested through digital media"; this definition clearly describes a younger generation whose online identity plays a significant role in their professional lives (as cited in Yap & Tiang, 2014, pp. 26–27). Encouraging young educators to use social media responsibly by implementing policy that defines what responsibly means will help schools to have a decrease of problems concerning inappropriate information being posted on social media.

Additionally, Yap and Tiang (2014) suggested that those who do have online profiles and information posted on social websites should be careful as to what is displayed for all to see. Information about a person can be used to form opinions about that person, which may not be flattering and could

be detrimental when seeking to keep a job. Furthermore, understanding that a post may have been meant to convey one message may not be the intended outcome. For example, sarcasm and teasing may not be evident from a post, and one may unintentionally perceive sarcasm and teasing as offensive, mean, and derogatory. Social media, then, is not always the best way to show the best qualities of oneself.

When educators' private lives interfere with the school environment, their actions may become an ethical issue. The school board and the school district have the right to establish policies regarding ethics and morals and consequences for violating those policies. The Educator Code of Ethics is usually defined at the state level, and school districts enforce it at the local level. Furthermore, many educator contracts state clearly that moral turpitude is grounds for dismissal. The contract may also specify actions that are considered unbecoming of an educator, as set forth by the school board. Many school districts have addressed educators' use of social media in particular, by placing guidelines about it in their employee handbooks and/or in educator contracts. Such guidelines usually list which actions could cause a contract termination. Note that a violation of ethics is not usually a criminal offense, unless the state has included criminal provisions within its Educator Code of Ethics.

Before an educator accepts a position within a school district, it is up to the educator to research and understand the expectations of the school board and what actions could lead to contract termination. Thus, actions that educators do at home in private and that do not affect their school or district in any way are constitutionally protected. Educators must remember, however, that private actions that become public and then hinder the educators' ability to perform their assigned job duties—or are detrimental to their employer—are not constitutionally protected.

Educators do have protection of their speech, but that protection is for speech that concerns matters of public interest; there is a connection between teachers' private speech, specifically on social media, and their employment at school (O'Donovan, 2012). Therefore, private speech should not unduly disrupt school activities.

Death in the Campus Family

The death of a teacher is one of the most difficult events that any campus will go through. For an administrator, personal grief is coupled with the need to carry out a special role, because everyone on the campus will look to the administrator for guidance, support, and acknowledgment of the death. There is no one right way to handle the death of any campus member, but when the member is a teacher, administrators may find the following suggestions useful for helping the campus grieve and move forward:

- Be transparent. Once you are informed of a teacher's death, immediately let the teaching staff know, in person. If possible, call a quick faculty meeting, so that they all hear the news at the same time and can console one another. In some cases, using a phone tree to disseminate information about a death may be the only avenue at the time.
- Tell the students. The administrators and staff should discuss the best way to tell the students about the death, especially those students who are currently in a course or class with the teacher. Being transparent and matter-of-fact with the students is a must so that they do not make wild guesses about what has occurred. Then, draft a letter that encapsulates what you told the students about the teacher's death and send it home to parents. Include the funeral details, if available, or a statement of where those details will be posted when known.
- Allow time to grieve. Once the staff and students know about the death, give them counseling opportunities and time to grieve. This time will vary among the campus family, but do not be surprised if the grieving lasts for weeks and months. Be patient and helpful in working with those who may need more intense counseling or interventions to cope with the death.
- Watch for signs of depression. Sometimes individual staff members or students may blame themselves or others for a teacher's death, and they may become depressed or even suicidal. Be on the lookout for students or educators who are behaving differently from their normal demeanor. It is paramount that you constantly observe those who are taking a longer time to grieve and that you talk with them and, as appropriate, their family members about your concerns.

The death of a teacher may affect school operations for some time, especially if the teacher was a part of a popular student activity. Ask for volunteers to take up the teacher's duties, and try to get activities back to normal as soon as possible. Additionally, many people will look to the administrator for the strength and guidance about how to proceed, so be diligent in your actions, words, and assistance. However, do give yourself time to grieve and accept the teacher's death.

More information on how to work through a death on a campus can be found in Chapter 11, *The Jealous Shooter*.

NCZ—NO CONSEQUENCE ZONE

Answer the questions below by applying what you know about this case and thinking about the steps you would take if you were faced with this situation or a similar one.

- 1 Most school districts have policies that address privacy issues and social media that are aligned to federal, state, and local laws and codes.
 - a. Find out what your school district and campus policies are regarding social media and personal websites.
 - b. Based on what you found, what kind of reprimand could be given to the teachers in this case study? What would be the school's approach toward the parent who posted the photos on Facebook?
 - c. Does a principal have any jurisdiction over teachers or parents when an activity or action has taken place at a private home? Why or why not?
 - d. When does an administrator have the right to recommend that a teacher's contract be terminated for actions done in private?
- 2 Many schools have been through the death of a teacher, a student, or another campus staff member.
 - a. What action plan should be in place to help your campus family get through a teacher's death?
 - b. Will the steps be different for the adults than for the students on the campus?
- 3 Now let us look at the bigger picture surrounding this case study.
 - a. What are the social and political repercussions for the administrators and staff at North Briar Elementary? For the parents?
 - b. How might a similar situation unfold in your own community?

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