UNIVERSITY SYSTEM OF MARYLAND

V-1.20 – POLICY ON STUDENT SOCIAL MEDIA PRIVACY

(Approved by the Board of Regents November 1, 2013; Amended by the Board on September 19, 2014)

I. PURPOSE

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

II. DEFINITIONS

A. "Non-Public Access Information" refers to the security information required to access a student's Personal Social Media Account. Examples include: passwords, log-in information or other private and confidential information required to gain access to a social media account.

B. "Personal Social Media Account" refers to a social media account that allows social interaction and dissemination of information to others, created and maintained by a student exclusively for private use. It does not include:

1. an account on a social media platform owned or provided by an educational institution;
2. an account on a social media platform created by a student specifically for academic or University-assisted career-based activities; or
3. an account that would otherwise qualify as a Personal Social Media Account under this definition but that the student uses, at his or her own election, for academic or career-based activities.

C. "Social Media" are internet-based applications that enable users to participate in social networking by exchanging content with other users. Examples of "social media" include but are not limited to LinkedIn, Facebook, Twitter, YouTube, Flickr, Instagram, Tumblr, and Vine.

III. INSTITUTIONAL SOCIAL MEDIA PRIVACY POLICIES

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

A. University employees shall not require, request, or suggest that a student or prospective student disclose Non-Public Access Information pertaining to their Personal Social Media Accounts.

B. University employees shall not require that a student or prospective student change the privacy settings on a Personal Social Media Account.

C. University employees shall not require a student or a prospective student to designate a University employee or agent of the University as a "friend" a "follower" or any other designation that would afford the employee or agent access to a student's Personal Social Media Account.

D. University employees shall not require a student or a prospective student to log onto a Personal Social Media Account in the presence of a University employee or agent of the institution.

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

IV. DISCIPLINE

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

V. LIMITATIONS

This Policy does not prohibit the following activities:

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

1. the student has the option, at his or her own election, to complete the assignment or activity by using an existing Personal Social Media Account or by creating a generic social media account;

2. access is limited to the academic or career-based activity;

3. the student is not required to provide Non-Public Access Information;

4. the academic or career-based activity is designed and administered in a manner that is consistent with the institution's FERPA obligations.

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

B. University employees may request a student to allow them to see content on the student's Personal Social Media Account for the purpose of fulfilling University

obligations under federal or State law, such as when conducting regulatory compliance investigations, e.g., Title IX. Campuses should have documented procedures for this exception to this policy.

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

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

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