DIGITAL ETHICS:
FROM POLICY
TO PRACTICE

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WHAT WOULD YOU DO?

• After school students go to a restaurant.
• One student films others making derogatory statements about a 13-year-old, calling her a “slut” and “ugly.”
• Student who filmed posts it to YouTube from a home computer.
• Next day, victim & parent bring video to the school’s attention.
• What would you do in response to the video?
eMatters

Incorporating technology into education can involve:

- Infrastructure Improvements;
- Procurement;
- Collective Bargaining Implications;
- Policy;
- Professional Development; and
- Litigation.
At the same time, school districts must understand the limitations of their ability to police students, teachers, and others in cyberspace.
CHALLENGE

Law has not caught up with technology. School districts must operate according to statutes and case law that do not always contemplate modern technology.
TRADITIONAL FRAMEWORK

• School district responsible for student conduct during school hours.
• “A pupil may not be suspended or expelled . . . unless that act is related to a school activity.”
• Related to a school activity includes, but is not limited to:
  • While on school grounds
  • While going to or coming from school
  • During lunch period on or off campus.
  • During, while going to or coming from a school-sponsored activity
USE OF DISTRICT TECHNOLOGY

Example:
• Policies used to focus on district technology, such as a school computer lab.

• Now, policies must consider portable technology, such as eReaders.
Policy Pointers:

- District-issued eReaders / iPads
- Smart phones
- Internet for educational use – blogs, YouTube, social media
Social Media—must decide HOW District wants to use social media in education:

• District / site page
• Teacher / correspondence
• Student / student-affiliated organizations?
INTERNET-BASED TECHNOLOGY & EDUCATION

• Challenges:
  • CIPA monitoring and filtering
  • FERPA
  • Student views teacher images that are “unprofessional” or “immoral”
  • Teachers as mandatory reporters
TEACHER USE OF TECHNOLOGY

- Use of District technology
- Personal technology (i.e. laptop) in the classroom
- Streaming content into classroom
- Online communication
WHAT WOULD YOU DO?

- Receive anonymous call from a parent directing you to a Craigslist ad.
- Ad is a photo of a middle school teacher, nude images of his body and graphic, vulgar text soliciting sex.
- His name and employment information are not included in the ad.
- Site is restricted to people under 18.
CPC v. SDUSD (Lampedusa)

- Teacher as role model
- Cyber conduct caused principal to lose confidence in teacher’s “fitness to teach”
- Slippery slope: Could a Match.com ad cause a principal to lose confidence in a teacher?
• When is student misconduct NOT the responsibility of the school district?
SUBSTANTIAL DISRUPTION TEST

• J.C. v. Beverly Hills
• J.S. v. Blue Mountain
• S.J.W. v. Lee’s Summit
DOES DISTRICT HAVE JURISDICTION?

- When District presented with off-campus misconduct, ask:
  - Is it related to a school activity?
  - If not, did it cause a substantial disruption or is it reasonably foreseeable to do so?
  - If not, District may be infringing on student 1st Amendment rights by taking disciplinary action.
  - Nevertheless, District can take alternative means of intervention short of discipline and/or risk liability associated with First Amendment violation (may outweigh risk of student harming self or another)
BULLYING / CYBERBULLYING

- Adopt policies to prohibit bullying based on actual or perceived characteristics
- Implement an investigation process
- Implement an appeal process
- School staff intervention requirements
- Permit inter-district transfers for victims of bullying
Conclusion

- Embed technology throughout policy
- Promote digital citizenship
- Internet resources can be a positive educational tool
- Districts should carefully plan incorporation of technology to minimize liability