

25 STUDENT SOCIAL MEDIA POLICY

Students have extensive access to social media. Social media offer a variety of positive experiences and benefits to students, including increased engagement in the community, increased sense of social connection and sense of well-being. They also harbor a number of known risks to students' privacy, future employment, and current well-being. The risks include, but are not limited to: bullying, harassment, defamation, injury to reputation. Those risks are increased by the public nature and inherent insecurity of electronic digital communication.

The purpose of this policy is to promote, instill and support habits of communication and character that will help UNH students be successful both in their progress toward completing their educational program and in their future lives.

Guidelines

Students are expected:

1. To be respectful, careful, responsible and accountable for their use of social media. A student's right to make a statement does not mean that the speech has no consequences in terms of impact on others, judgments made about the speaker by third parties, or the impact on future employers.
2. To respect the lack of privacy inherent in social media. For instance, communications intended to be private by their sender may be shared by their receiver and published widely.
3. To respect the abusive power inherent in social media.
 - Example: An image, comment or video that a student intends to be funny may be published widely. That content may be disturbing or harmful to persons from other races, cultures or personal backgrounds due to the historical uses or abuses of images, words or concepts embedded in that content. Not only is it ethically wrong to hurt others if it can be avoided, but in the digital world the abuser may quickly become the recipient of threats, abuse and disparagement.
4. To respect the speed inherent in modern social media.
 - Example: A student may post a statement to a nonpublic account, have the statement photographed and uploaded to a public Facebook page and begin receiving abusive messages within minutes of posting the original statement.
5. To be gracious and compassionate both in the statements they make and when they interpret the intentions of those making statements concerning them. Students should expect to be held responsible by others for what they say in all places, including on social media.
6. To understand that the University, acting through its senior administrators, may engage in public counter speech when a student engages in offensive speech toward others that is contrary to the published mission and purpose of the University.
 - Example: A student makes a highly publicized statement that all noncitizens should be denied admission to the University. A senior University administrator may issue a statement on behalf of the University that it supports the rights of qualified noncitizens to receive an education at the University.

Policy

1. The University may, but does not regularly monitor the language and/or actions of students on public social media platforms, including Facebook, LinkedIn, Twitter, etc. However, while the University will defer to the user policies of the individual social medium, it will hold students accountable for reported related Code of Student Behavior violations. Students may not use social media to:
 - a. to commit discriminatory harassment, Art. III.3.d, by creating a hostile environment for another. In determining whether statements, images or descriptions in social media create a hostile environment they must be both objectively and subjectively offensive, such that a reasonable person would find them hostile or abusive, and that the victim in fact perceived them to be so. To determine whether an environment is sufficiently hostile or abusive it is necessary to look at all the circumstances, including the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere insult; and whether it unreasonably interferes with another student's participation in academic, social or work life on this campus. Controlling law requires that simple teasing, an offhand comment, or an isolated incident (unless it is extremely serious) by themselves will not be sufficient to create a hostile environment, but the environmental impact, not the speaker's intention, is controlling. These standards for judging whether a hostile environment has been created is to ensure that this rule does not become a "general civility" rule used to punish disfavored, but legally protected, exercises of speech by students.
 - Example: A student repeatedly sends messages containing racial epithets offensive to a member of protected class after the recipient has communicated to the sender that the racial epithet is offensive. This conduct may be found to create a hostile environment, even if the student claims that the messages were intended to humorous.
 - b. Post messages that threaten another, Art. III.3.b, incite imminent lawless action, Art. III, 17, or are otherwise unlawful harassment, Art. III.3.c, are defamatory or otherwise unlawful, Art. III.12.
 - c. Claim or imply that they are speaking on behalf of the University.
 - d. Intentionally inflict emotional distress on others.
 - e. Violate any provision of the Acceptable Use Policy, OLPM UNH.VI.F.5.6, the Student Code of Conduct or provision of state or federal law.
2. The University recognizes that social media behavior is entitled to extensive protections under the First Amendment. The University guarantees and protects the speech rights of students. This policy will be interpreted with those protections in mind.
3. UNH employees: This policy does not supersede guidance and instruction given to UNH employees.

Procedure

1. Any faculty, staff or student may complain in writing to the Dean of Students, Director of Community Standards, or their designee about a student's use of social media. Complaints may also be submitted to the Director of Civil Rights and Equity through Civil Rights and Equity.
2. The Dean of Students, Director of Community Standards, Director of Civil Rights & Equity or their designee may initiate a mandatory educational conversation with the student and/or the complainant.
3. The Dean of Students and Director of Civil Rights and Equity may appoint an independent investigator to gather evidence and information and/or a University Complainant to bring conduct

charges forward under the Student Code of Conduct when they find that a student, faculty or staff member has presented sufficient evidence of a violation of this policy. In all cases, the Dean of Students and Director of Civil Rights and Equity may share reported violations of this social media policy with the Chief of Police.

4. Evidence: content, context, intention, and impact are all important to judging whether social media violate this policy. Students are encouraged to promptly and thoroughly document violations of this policy by preserving the entirety of social media behavior that they believe constitutes a violation of this policy.
5. When two or more students allege that there are mutual violations of the social media policy arising from the same incident the University may find both parties responsible for a violation of this policy. The mutually offending behavior normally will be treated as a mitigating factor in determining sanction, even if there are not mutual allegations.
 - Example: Student A reports and documents that Student B posted a death threat against them. Student B reports and documents that Student A posted a series of disparaging gender epithets directed at Student B, including after Student B requested that the conduct cease. Both Student A (discriminatory harassment) and Student B (threat) may be found to have violated the Student Code of Conduct. In assessing Student B's sanction, however, the on-going harassment may be found to justify a less severe sanction than normal.
6. When a student is found responsible for violating this policy, educational sanctions, such as educational conversations with faculty or staff, or attendance at events or classes intended to promote educational outcomes, will be considered and included in the sanction order as appropriate.
7. Notification of the final results of a disciplinary proceeding under this policy may be made to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. In all instances, notification of the final results of a disciplinary proceeding under this policy will be made to the Dean of Students and Director of Civil Rights and Equity.
8. If a student is found to have used social media to threaten any crime against another student with the purpose of terrorizing that student. The behavior will be reported to the UNH Police Department.