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Social Media Tools and the Policies Associated with Them

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SITUATIONAL ANALYSIS

Let's consider how long social media resources have been around. The timeline is striking, for example: Wikipedia (online encyclopaedia) 2001; del.icio.us (social bookmarking) 2003; MySpace 2003 (social networking); Facebook (social networking) 2004; Flikr (social media) 2004; Bebo (social networking) 2005; and YouTube (social media) 2005 (Higher Education Academy and the Joint Information Systems Committee).

Now let us consider how these new tools are being used by younger generations. Consider these numbers for 11-15 year olds in the United Kingdom:

- Having at least one social networking site 75%
- Using email and instant messaging 90%
- Playing online multiplayer games 60%
- Owning an MP3 player 80%
- Owning a mobile phone with camera 85% (Higher Education Academy and the Joint Information Systems Committee).

Based on a PEW study in the United States, "Forty-seven percent of adult U.S. Internet users use online social networks, and 19 percent now use Twitter or other status update services, according to research by the Pew Internet and American Life Project." It continues, "The survey also highlighted the fact that use of Twitter and similar services is more popular among younger users, with 37 percent of 18-24 year olds and 31 percent of 25-34 year olds claiming to use it. This compares with 19 percent of 35-44 year olds, and 10 percent of 45-64 year olds" (Marshall, 2009).

As we look at how we as educators are to become involved in these new environments it may serve us well to consider the vast array of environments, norms, expectations, and situations that exist. A good place to start looking is at some general categorizations of 'space' in the Internet world. In the world of the Web there are different senses of boundary based on the perceived type of space. These spaces, according to Locke, might include:

- Secret/private/personal space: eg Short Message Service (SMS); Instant Message (IM)
- group space: eg Bebo, Facebook
- publishing space: eg blogs, wikis, YouTube
- performance space: eg Second Life, World of Warcraft
- participation space: eg meetings, markets, events
- watching space: eg lectures (2007)

As Higher Education Academy and the Joint Information Systems Committee notes, "Young people are defensive about the first two, essentially the 'me' and 'we' spaces, as opposed to the others, the 'see' spaces. Hence, their discomfort with staff-initiated discussion groups in social networking space when they are at ease with those they set up themselves for study-related purposes. We have been told that there is considerable untapped potential for exploitation of this, effectively a third space within group space – somewhere between pure study/work and pure social – to support learning and teaching (2009)

Higher Education Academy and the Joint Information Systems Committee continues, "The consequences of this generation's experience have become increasingly apparent over time. In general, they include a strong sense of a community linked in its own virtual spaces of blogs and social networking and gaming sites; a similarly strong sense of group identity; and a disposition to share and to participate. They also include impatience – a preference for instant answers; a downgrading of text in favour of image; and a casual approach to evaluating information and attributing it, and also to copyright and legal constraints" (Higher Education Academy and the Joint Information Systems Committee, 2009). As this younger generation joins higher education, the environment within which we work will continue to transition—not just in the tools available but in how we choose to use them. Therefore, we need to start addressing how we will prepare for these changes. "The generation born in the 1990s entered a world of high technological sophistication and has grown up accommodating and influencing yet further advances on

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the ICT [Information and Communication Technologies] front in particular. Generally speaking, its members are familiar and entirely at ease with the design of these technologies, unafraid of experimenting with them, and take for granted and get on with doing all that they allow – talking, messaging, playing online games, sharing images, finding things out – often simultaneously. Moreover, most of their learning about it, and how to use it, comes from their peers. ICT, and the Social Web especially, is their medium and their metier. It is integral to the world they know and that world is the only one they have known. There is no going back from this position. Indeed, it can only become more firmly established as the norm by subsequent generations, and not just in the UK but worldwide" (Higher Education Academy and the Joint Information Systems Committee, 2009).

When it comes to social media use in higher education to date, use as well as surrounding policies, procedures, and expectations, are limited.   Generally speaking, educational institutions do not move as quickly as the changes around them are taking place.   "Use of Web 2.0 technologies in learning and teaching emerges as considerable but patchy, driven for the most part by the professional interest and/or enthusiasm of individuals or small groups of staff. This situation is replicated in other spheres of university business: administration, student support, and advertising and marketing" (Higher Education Academy and the Joint Information Systems Committee).

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

There was some concern in several institutions among students and educators that the use of social software blurred boundaries between personal and academic life. For example, in [BCU2], the students admitted that the Facebook group set up for pre-induction was useful but they did not want university interactions in Facebook to continue once they had joined the university. In contrast, in [ARU] and in [LSBU], the educators were allowed access to their students' profiles on Facebook but in [UM], some students were hesitant about interacting with their educators on Facebook as they perceived Facebook as a social space rather than an academic space.

FREEDOM OF SPEECH/EXPRESSION

Freedom of speech (expression) in the United States is protected by the First Amendment to the United States Constitution and by many state constitutions and state and federal laws.

FIRST AMENDMENT TO THE U.S. CONSTITUTION (RELIGION AND EXPRESSION)

The First Amendment to the United States Constitution is part of the Bill of Rights and was adopted in 1791. It provides that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It should be noted that court decisions have expanded this concept to include not just verbal communication but also non-verbal expressions such as wearing a symbol, dance movements, or silent vigils.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The right to freedom of speech is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR).

As stated by the Global Network Initiative:

> Freedom of Expression: Freedom of expression is defined using Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR):
>
> > UDHR: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
> > ICCPR: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

> The Global Network Initiative notes:
>
> > "Freedom of opinion and expression is a human right and guarantor of human dignity. The right to freedom of opinion and expression includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
> >
> > Freedom of opinion and expression supports an informed citizenry and is vital to ensuring public and private sector accountability. Broad public access to information and the freedom to create and communicate ideas are critical to the advancement of knowledge, economic opportunity and human potential.
> >
> > The right to freedom of expression should not be restricted by governments, except in narrowly defined circumstances based on internationally recognized laws or standards.[5] These restrictions should be consistent with international human rights laws and standards, the rule of law and be necessary and proportionate for the relevant purpose.[6,7]

Participating companies will respect and protect the freedom of expression of their users by seeking to avoid or minimize the impact of government restrictions on freedom of expression, including restrictions on the information available to users and the opportunities for users to create and communicate ideas and information, regardless of frontiers or media of communication" (2009).

SCENARIOS

If only things were so simple. Even without the addition of the Internet and social media sites into the educational arena, issues abounded. Consider this:

Joseph Frederick was 18 when he unveiled the 14-foot paper sign on a public sidewalk outside his Juneau, Alaska, high school in 2002. Frederick sued, claiming his constitutional rights to free speech were violated.

Morse v. Frederick, 551 U.S. 393 (2007)
Joseph Frederick was suspended in 2002 for displaying a sign saying "Bong Hits 4 Jesus" at a rally for the Olympic torch relay. The rally was an off-campus event not sponsored by Frederick's school. A federal appeals court agreed with the ACLU that the school had violated Frederick's right to free speech. The Supreme Court heard the case during the 2006 term and ruled that Alaska public school officials did not violate Joseph Frederick's free speech rights by punishing him.

The Supreme Court decision did not resolve all of the issues in the case. Frederick claimed his speech rights under the Constitution of Alaska were violated, and the issue was argued in front of the Court of Appeals in September 2008. However, the school district agreed to settle out of court before the judges reached a decision. In November 2008, the district paid Frederick $45,000 to settle all remaining claims and agreed to hire a neutral constitutional law expert to lead a forum on student speech at Juneau-Douglas High School by the end of the school year.

In this and similar situations one may want to assess the roles substantial disruption (or threat of disruption), community standards, and educational mission play.

Questions to ask yourself:
- Would a similar situation on the Internet have the same impact? Why or why not?
- What about the Tinker v DesMoines case where the Supreme Court said, "young people do not "shed their constitutional rights at the schoolhouse gate," ruling that students have the right to free speech at school, as long as their speech does not disrupt the educational process.
- What does right to free speech mean?

GENERAL PERMISSIONS

As JISC Legal notes, "the variables which are likely to require consideration by the institution in drawing up its [Web 2.0] policy are:
- Whether the institution, in general terms, supports the use of Web 2.0 technologies
- Whether permission extends to both internally and externally hosted Web 2.0 services
- Whether permission extends to all areas of business (teaching, research and administration) and to all members of staff
- What formalities will be imposed by your institution on the use of Web 2.0 technologies (JISC Legal, 2008a)

POSSIBLE POLICY STATEMENTS COULD BE:

After due consideration of the costs, risks and benefits, [the Institution] has decided that Web 2.0 technologies must only be used with the prior written permission of [job title].

[The institution] only permits the use of Web 2.0 technologies which are hosted and controlled by the institution. Externally hosted Web 2.0 technologies must only be used with the prior written permission of [job title].

[The institution] has decided that appropriate and compliant use of Web 2.0 technologies, whether hosted internally or externally, is encouraged. However, those organiZing the use of such technologies are responsible for ensuring use in compliance with the law, and with the issues covered by this policy.

[The institution] wishes to encourage the use of appropriate Web 2.0 technologies as part of its teaching and learning provision. To this end, [module leaders] may, through the curriculum development process, adopt the use of such technologies whilst ensuring that use is compliant with the law and the institution's acceptable use policies. In the fields of research and administration, Web 2.0 technologies must only be used with the prior written permission of [job title].

(JISC Legal, 2008a)

COPYRIGHT AND INTELLECTUAL PROPERTY

Generally speaking, we have well established rules and norms for individual, joint, institutional and vendor IP ownership. We also have reasonably well established academic norms for attribution. However, the devil is in the details (Cate, 2009). We can now distribute rights almost any way we want to distribute them. Copyright and intellectual property policy and enforcement includes a number of areas such as patents, trademarks, trade secrets, right of publicity, and copyrights.

As the United State Copyright Office states:

> Copyright is a form of protection provided by the laws of the United States (title 17, U. S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:
>
> • To reproduce the work in copies or phonorecords;
> • To prepare derivative works based upon the work;
> • To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
> • To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
> • To display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
> • In the case of sound recordings,* to perform the work publicly by means of a digital audio transmission.
>
> In addition, certain authors of works of visual art have the rights of attribution and integrity as described in section 106A of the 1976 Copyright Act. For further information, see Circular 40, Copyright Registration for Works of the Visual Arts.
>
> It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. These rights, however, are not unlimited in scope. Sections 107 through 121 of the 1976 Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is given a statutory basis in section 107 of the 1976 Copyright Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions." (United States Copyright Office).

Learn more about copyright basics at http://www.copyright.gov/circs/circ1.pdf

FAIR USE

As noted by the U.S. Copyright notice, fair use is define as follows:

> The doctrine of fair use has developed through a substantial number of court decisions over the years and has been codified in section 107 of the copyright law.
>
> Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

The distinction between fair use and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission.

Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

COPYRIGHT IN EDUCATION

Copyright law provides educators with a separate set of rights in addition to fair use, to display (show) and perform (show or play) others' works in the classroom. These rights are in Section 110(1) of the Copyright Act and apply to any work, regardless of the medium:

§ 110. Limitations on exclusive rights: Exemption of certain performances and displays
Notwithstanding the provisions of section 106, the following are not infringements of copyright:
(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;

TEACH ACT

Signed by President Bush on November 2, 2002, the Technology, Education, and Copyright Harmonization (TEACH) Act "facilitates and enables the performance and display of copyrighted materials for distance education by accredited, non-profit educational institutions (and some government entities) that meet the TEACH Act's qualifying requirements. Its primary purpose is to balance the needs of distance learners and educators with the rights of copyright holders. The TEACH Act applies to distance education that includes the participation of any enrolled student, on or off campus" (Copyright Clearance Center).

RIGHT OF PUBLICITY

A state-set rule regarding the right to control the commercial use of one's identity. It generally includes name, image and likeness; however, it varies from state to state.   Right of publicity is part of the intellectual property family. Currently, Utah is one of nineteen states that recognize the Right of Publicity via statutes (Right of Publicity). In Utah it specifically related to newspapers and radio broadcasting. These policies leave much grey area when it comes to Web 2.0 and social media technologies; particularly when these technologies are outside of a traditional or online classroom setting.

NO SINGLE OWNER

Increasingly on the Internet information and resources are becoming shared resources were there are no single owners or authors of intellectual property. As Bruwelheide notes, "in today's environment, ownership may be shared with several individuals or organizations as new technology encourages development of multimedia products using a variety of formats and pieces which may involve multiple layers of copyrighted materials" (1999).

ANTI-CIRCUMVENTION

Anti-circumvention laws prohibit the circumvention of technological barriers for using a digital resources in certain ways which the rights holders do not wish to allow.

WIPO COPYRIGHT TREATY

The World Intellectual Property Organization Copyright Treaty (http://www.wipo.int/treaties/en/ip/wct/trtdocs_wo033.html), abbreviated as the WIPO Copyright Treaty, is an international treaty on copyright law adopted by the member states of the World Intellectual Property Organization (WIPO) in 1996. The United States entered into the force in 2002. The WIPO Copyright Treaty is implemented in United States law by the Digital Millennium Copyright Act or DMCA (Wikipedia, 2009b).

DIGITAL MILLIENNIUM COPYRIGHT ACT

The Digital Millennium Copyright Act (DMCA) is a United States copyright law that implements two 1996 treaties of the World Intellectual Property Organization (WIPO). It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures (commonly known as digital rights management or DRM) that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself. In addition, the DMCA heightens the penalties for copyright infringement on the Internet. Passed on October 12, 1998 by a unanimous vote in the United States Senate and signed into law by President Bill Clinton on October 28, 1998, the DMCA amended Title 17 of the United States Code to extend the reach of copyright, while limiting the liability of the providers of on-line services for copyright infringement by their users (Wikipedia, 2009a).

All of the above policies and more play a role in policy decision-making both in the Web environment and elsewhere. "With increasing awareness of the value of creativity, innovation and invention, the issues of ownership and protection of intellectual property rights (IPR) in relation to Web 2.0 are important. In addition, institutions must be aware of the legal risks inherent in both infringement of copyright and secondary infringement of copyright" (JISC Legal, 2008a)

POSSIBLE POLICY STATEMENTS COULD BE:

> [The institution] values its intellectual property. It does not therefore allow the use of Web 2.0 technologies which make IPR claims incompatible with the institution's IPR policy.

> **Web 2.0 technology organizers must remind users prior to the use of that technology of their obligations in relation to the clearance of IPR-protected material.**

> Web 2.0 technology organizers must consider the risk of the release of confidential information relating to a potential patent application prior to the use of such technology.

> Due to the risks of patent-relevant information being released into the public domain inadvertently, [the institution] does not permit the use of Web 2.0 technologies for research collaboration, unless the prior written permission of [job title] has been obtained.
> (JISC Legal, 2008a)

Bruwelheide offers some suggestions as well regarding intellectual property rights as they relate to faculty members:
> Option set one assumes that faculty members are to be considered authors of their work produced while employed at a University:
> - Option 1.1: Faculty member authors a work but assigns ownership to the University
> - Option 1.2: Faculty member authors a work with a non-exclusive license to the University
> Option set two assumes a work-for-hire interpretation when faculty are employed by a University where authorship does not reside with the faculty member:
> - Option 2.1: University as the author with a non-exclusive license to the faculty member

- Option 2.2: University as the author but assigns rights to the faculty member

Option set three applies if faculty creators are treated as independent contractors on a project:
- Option 3.1: University as author but assigns rights or license to the faculty member
- Option 3.2: Faculty as author who then assigns rights or license to the University (1999)

SCENARIOS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

In [SC], students were uncomfortable about uploading on Flickr the photographs they were taking on the course as they felt that they had no control about who was looking at the photographs and using them. The concern about sharing resources was raised particularly where students were asked to share reflections with a group of people who were potentially going to comment on what had been written; commenting on others' reflections was also considered uncomfortable by the students [UL]. Students were initially hesitant to share their bookmarks [OU4] as they were concerned about 'giving away' what they had searched. Some of the students added resources in the social bookmarking site as anonymous users though several of them then identified their contributions in the tutorials [SU].

CREATIVE COMMONS AND THE PUBLIC DOMAIN

Tools that release or selectively release copyright are gaining a foothold. One example of this is the Creative Commons. Before we start, let's remind ourselves what attribution is. It is the ascribing of a work (as of literature or art) to a particular author or artist (Merriam-Webster). Now, let's consider items that are either in the public domain or have been partially copyright-released.

CREATIVE COMMONS

Larry Lessig of Stanford is pursuing something called the Creative Commons which frees materials from automatically applied copyright restrictions by providing free, easy-to-use, flexible licenses for creators to place on their digital materials that permit the originator to grant rights as they see fit (Fitzergerald, 2007; Smith & Casserly, 2006). As the Creative Commons Website located at http://creativecommons.org/ noted, "Creative Commons provides free tools that let authors, scientists, artists, and educators easily mark their creative work with the freedoms they want it to carry. You can use CC to change your copyright terms from 'All Rights Reserved' to 'Some Rights Reserved'" (Creative Commons, 2007). Currently, over 30 nations now have creative commons licenses although it has only been in place for four years (Smith & Casserly).

Creative Commons frees materials from automatically applied copyright restrictions by providing free, easy-to-use, flexible licenses for creators to place on their digital materials that permit the originator to grant rights as they see fit. See http://creativecommons.org . ccLearn, a subset of Creative Commons, focuses specifically on open learning and open educational resources. Learn more at http://learn.creativecommons.org.

There are six major licenses of the Creative Commons:
- Attribution (CC-BY)
- Attribution Share Alike (CC-BY-SA)
- Attribution No Derivatives (CC-BY-ND)
- Attribution Non-Commercial (CC-BY-NC)
- Attribution Non-Commercial Share Alike (CC-BY-NC-SA)
- Attribution Non-Commercial No Derivatives (CC-BY-NC-ND)

See http://creativecommons.org/about/licenses/

A summary video can be found at http://creativecommons.org/about/ that explains CC well.
Other videos, equally good in explain CC, can be found at http://creativecommons.org/videos/

Individuals place Creative Commons licenses on individual items. Thus, there is no fool-proof way to search all items with some type of CC release on them. However, there are some good resources to gets you started:
- http://search.creativecommons.org/
- http://wiki.creativecommons.org/Content_Curators

CCLEARN

A development stemming from Creative Commons is ccLearn, which was launched in July of 2007, focused specifically on open learning and open educational resources. It emphasizes diminishing legal, technical, and social barriers. A primary goal of ccLearn is to build a comprehensive directory of open educational resources with the assistance of Google with encourages their discovery and subsequent use (Atkins et al., 2007; Bissell, 2007; Brantley, 2007). Learn more about ccLearn and the Open Education Community at http://learn.creativecommons.org/

A good place to find educational resources that are creative commons released, visit one of the below resources:
- http://discovered.creativecommons.org/search/

- http://www.ocwfinder.com/
- http://www.oerrecommender.org/

"Among many other forms, one form of rampant lawlessness on the Internet consists of copyright infringement, that is, the unauthorized copying and distribution of material created and owned by others. Given the scope of the problem, a number of movements to mitigate copyright infringement on the Internet have begun. One such movement involves the use of digital tools and legal action to prohibit copyright infringement. Another movement, copyleft, seeks to build a richer public domain and change the assignment of rights from the automatic "all rights reserved" to a more egalitarian version dubbed "some rights reserved." At the forefront of this second movement is Creative Commons, a web-based intellectual property sharing schema developed by a consortium headed by Professor Lawrence Lessig of Stanford Law School" (Broussard, 2009)

PRIVACY, DATA PROTECTION AND FREEDOM OF INFORMATION

In considering privacy, data protection, and freedom of information laws, we need to consider normative and ethical issues as well as legal ones.

PRIVACY

Privacy is something we all seem to want in some cases and all seem to be willing to give up in others. "Privacy is an important, but illusive concept in law. The right to privacy is acknowledged in several broad-based international agreements. Article 12 of the Universal Declaration of Human Rights and Article 17 of the United Nations International Covenant on Civil and Political Rights both state that, 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks'" (Stratford & Stratford, 1998).

Stratford and Stratford note, "The term "privacy" does not appear in the U.S. Constitution or the Bill of Rights. However, the U.S. Supreme Court has ruled in favor of various privacy interests-deriving the right to privacy from the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments to the Constitution" (1998).

As stated by the Global Network Initiative:

> Privacy: Privacy is defined using Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR):
>
>> UDHR: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
>>
>> ICCPR: 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.
>
> The Global Network Initiative notes, ""Privacy is a human right and guarantor of human dignity. Privacy is important to maintaining personal security, protecting identity and promoting freedom of expression in the digital age.
>
> Everyone should be free from illegal or arbitrary interference with the right to privacy and should have the right to the protection of the law against such interference or attacks.
>
> The right to privacy should not be restricted by governments, except in narrowly defined circumstances based on internationally recognized laws and standards. These restrictions should be consistent with international human rights laws and standards, the rule of law and be necessary and proportionate for the relevant purpose"
> (2009).

"The Privacy Act (PL 93-579) is a companion to and extension of the Freedom of Information Act (FOIA) of 1966. FOIA was primarily intended to provide access to government information. It did exempt the disclosure of personnel and medical files that would constitute "a clearly unwarranted invasion of personal privacy" [12]. This provision was initially used to deny access to people requesting their own records. So the Privacy Act was also adopted both to protect personal information in federal databases and to provide individuals with certain rights over information contained in those databases. The act has been characterized as "the centerpiece of U.S. privacy law affecting government record-keeping" [13]. The act was developed explicitly to address the problems posed by electronic technologies and personal records systems and covers the vast majority of personal records systems maintained by the federal government. The act set forth some basic principles of "fair information practice," and provided individuals with the right

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of access to information about themselves and the right to challenge the contents of records. It requires that personal information may only be disclosed with the individual's consent or for purposes announced in advance. The act also requires federal agencies to publish an annual list of systems maintained by the agency that contain personal information" (Statford & Stratford, 1998).

Statford and Stratford continue, "The Computer Security Act of 1987 (PL 100-235) also deals with personal information in federal record systems. It protects the security of sensitive personal information in federal computer systems. The act establishes government wide standards for computer security and assigns responsibility for those standards to the National Institute of Standards. The law also requires federal agencies to identify systems containing sensitive personal information and to develop security plans for those systems" (1998).

As JISC Legal notes, "Many web 2.0 technologies place users at a point where submission of personal data is necessary to use the tool. This brings with it risks concerning the privacy and personal data of individuals" (JISC Legal, 2008b). This causes a number of data protection and freedom of information issues.   In essence, "Data protection law allows individuals to control the collection, use and transfer of personal information about them. There may be situations where the setting up of student accounts by staff on externally Web 2.0 sites is a transfer of personal data, which must be done in compliance with the relevant legislation" (JISC Legal, 2008a).

DATA PROTECTION

The Federal Trade Commission is educating consumers and businesses about the importance of personal information privacy, including the security of personal information. Under the FTC Act, the Commission guards against unfairness and deception by enforcing companies' privacy promises about how they collect, use and secure consumers' personal information. Under the Gramm-Leach-Bliley Act, the Commission has implemented rules concerning financial privacy notices and the administrative, technical and physical safeguarding of personal information, and it aggressively enforces against pretexting (Federal Trade Commission).

Some questions to ask ourselves:
- What records does the activity generate for which institutions are responsible?
- Do they contain data that carry obligations of confidentiality, limitations on use or disclosure, requirements for ready access/availability?
- How and where are they maintained?
- Can materials be accessed when needed for course and institutional purposes?
- What do hosting sites do with the data created by course participants?
- When are you or your students conducting human subjects research? (Cate, 2008).

U.S. SAFE WEB ACT OF 2006

Congress approved S. 1608, the "Undertaking Spam, Spyware, And Fraud Enforcement with Enforcers beyond Borders Act of 2006," (the US SAFE WEB Act of 2006) on December 9, 2006. The US Safe Web Act amends the Federal Trade Commission Act (FTCA) and improves the Federal Trade Commission (FTC)'s ability to protect consumers from international fraud by: (1) improving the FTC's ability to gather information and coordinate investigation efforts with foreign counterparts; and (2) enhance the FTC's ability to obtain monetary consumer redress in cases involving spam, spyware, and Internet fraud and deception (Brownlee, 2006).

"Where departments process the sensitive personal data, for example, collect information or details regarding a persons ethnic origin or religious beliefs, sex life etc in order for them to use a Web 2.0 tool, explicit consent from the users should be obtained prior to processing any sensitive personal data. Processing of data for marketing and advertising purposes is one other risk which departments need to be aware of. Such a risk could arise in situations where the personal data collected for or during Web 2.0 use is used for purposes of advertising or marketing. It should be understood here that users have the

right to object to this and therefore they should be given the option to opt out of being exposed to such marketing or advertising material" (JISC, 2008).

POSSIBLE POLICY STATEMENTS COULD BE:

> **Web 2.0 service organizers must consider the data protection aspects of their activity, and in particular, whether it involves the transfer of personal data outwith the institution. Personal data is any information which could be used to identify a particular person.**
>
> Web 2.0 service organizers must obtain the [written] permission of the institutional data protection officer before any transfer of personal data [outside the EEA]. [The institution] does not permit the transfer of personal data to external Web 2.0 services.
>
> Web 2.0 service organizers may only use a technology which requires users to submit personal data if such use is optional.
>
> Where a Web 2.0 service requires the transfer of personal data (e.g. for account set-up) this must be left to each user to accomplish where possible. The transfer of personal data by the Web 2.0 service organiser must only be done with the prior written permission of [job title].
>
> Web 2.0 organizers should consider whether the use of the service will hinder compliance with the duties imposed on the institution by Freedom of Information legislation. (JISC Legal, 2008a)

It should be noted that the United States does not treat personal data privacy in the same manner as some other countries. "Where the U.S. approach has been to provide specific and narrowly applicable legislation, in Europe there are unified supra-national policies for the region. Most countries have implemented these policies with omnibus legislation. The European legislation outlines a set of rights and principle for the treatment of personal data, without regard to whether the data is held in the public or private sector. In the United States, the legal tradition is much more concerned with regulating data collected by the federal government" (Stratford & Stratford, 1998).**"**

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

At [ARU] there was a concern about the open environment in Second Life where it is easy for avatars (other than the core team on the course) to wander in and disrupt the class. In [LSBU], there is a mix of open and closed spaces. A space where academic work was available was open to the general public in order to give the students' work greater exposure, as were students' blogs. On the social network however, a closed group was used in order to ensure the privacy of students' profiles and postings from educators.

ACCESSIBILITY

Remember, we must provide reasonable accommodations to otherwise qualified students with disabilities. On the other hand, we are not required to alter the fundamental requirements of a course or program (Cate, 2009).

REHABILITATION ACT – U.S. SECTION 508

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. '794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others.

As the law states, "Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency" (Section 508).

AMERICANS WITH DISABILITIES ACT

Signed into law in 1990:

> "The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.
>
> To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered" (U.S. Department of Justice, 2009).

TELECOMMUNICATIONS ACT – SECTION 255

The Federal Communications Commission (FCC) has rules requiring telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities, if readily achievable.

Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities" (U.S. Department of Justice, 2009).

Risks associated with inaccessible content:
- Potential breach of obligations under the DDA causing disadvantage to disabled students
- Failure to meet duty to make "reasonable adjustment" if use inaccessible Web 2.0 functions
(JISC Legal, 2008b)

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POSSIBLE POLICY STATEMENTS COULD BE:

> The Web 2.0 service organizer must consult with [the institutional accessibility officer] prior to use of a particular Web 2.0 technology, and must implement any recommendations of [the officer] pertaining to the use of the technology.

> [The institution] only permits the use of Web 2.0 technologies which have the prior approval of [the university's accessibility service] as complying with general accessibility standards.

> **The Web 2.0 service organizer must consider the accessibility issues inherent in the use of that technology, and consider, where appropriate, what equivalent learning experience could be offered to users unable to use the Web 2.0 technology.**

> The Web 2.0 service organiser must include the following statement in instructions given to users prior to the use of the technology: "The use of [this Web 2.0 technology] has been adopted to enhance your learning experience. If you have any issue relating to your specific access needs, please contact [job title] (JISC Legal, 2008a)

SCENARIO

iTunesU, Apples' was not accessible to the blind until September of 2008. "John Olivera of the Massachusetts Commission for the Blind said the state approached Apple for help in making the wealth of educational material in iTunes U available to blind students" (McLean, 2008).

LIABILITY

There are three types of liability issue which should be taken into account in relation to an institution's use of Web 2.0 technologies:

1. Contract based liability due to breach of contract
2. Negligence based liability due to failure to meet the required standard of care
3. Specific liabilities such as for defamatory or obscene content

HARASSMENT AND DEFAMATION

Some examples of potential liability may include, but is not limited to, harassment, defamation, and other online nastiness. We, as institutions, have student codes of conduct and employee/faculty codes of conduct. These apply to social media worlds. Harassment, defamation and other online nastiness doesn't require new rules (legal or policy issues), but instead now we can just engage in so much more communication there is more scope and potential for conflict (Cate, 2009).

When you are using public sites there are some interesting twists. The terms of use of a site may limit speech more than the institution does or the first amendment does. The public site could actually remove participants for speech that institutions of higher education would or must permit (Cate, 2009).

Questions to ask ourselves:

- What do you when a third party is harassing a student in the midst of work they are doing within a 2.0 technology?
- What responsibilities do we have to protect student a student in that environment? (Cate, 2009)

POSSIBLE POLICY STATEMENTS COULD BE:

> **[The institution] requires all Web 2.0 technology organizers to note an appraisal of risk in respect to failure to meet contractual obligations, failure to take reasonable precautions to prevent loss or damage, or failure to comply with legal duties.**

> [The institution] requires all Web 2.0 technology organizers to consult with [job title] prior to use of such services, in order to consider the legal risks to which the institution might be exposed by such activity (JISC Legal, 2008a)

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

Scenario 1: When students are expected to use in-house services for university work, validation of 'appropriate use' is relatively easy. However, when publicly available social networking sites can also be used, staff cannot ask a user to leave a computer in the computing lab just because they are using Facebook or Flickr since this may now be a legitimate activity.In [SC], the educator was concerned about the availability of computers if more and more courses adopted digital technologies.

Scenario 2: When students produce content, which is displayed in a public or educational space, there is the possibility that the content (eg image, text, film) may be inappropriate. In [SC], the educator expressed concerns about how any inappropriate content or photographs by students on Flickr could potentially damage the reputation of the college and, since the college did not have any policies, the system was working on the basis of trust on students. In [OU2], the students were reminded that the university's computing code of conduct should be followed for interacting in the forums and in the wiki. In [ARU], they ensured that students signed a user agreement acknowledging they were still bound by the JANET regulations for educational Internet use. In [UW], the educators worked with their university web

manager to create an acceptable use policy. Building the definition of what is or is not acceptable into the activity itself is one approach taken to address this issue. At [ARU], students producing films in Second Life were advised that their films must adhere to the Parental Guidance film classification. Another approach is to discuss the issue of what may or may not be appropriate, and leave it to students to exercise appropriate judgment ([NC], [OU1]). In [OU1], students were advised that they needed to be careful when publishing photos of children.

Scenario 3: Several institutions used software that had a facility for the community itself to 'police' the content, and to report inappropriate usage. At [UW], the ability for the Elgg based social network to be monitored by the users was perceived as a benefit. In [OU1], the course team took the decision to build a 'report abuse' button, which users could use to identify inappropriate images or comments in OpenStudio. This was used occasionally, but 'in the cases where it was used the images were found not be inappropriate in the context of the course. Actively moderating images with a course of this scale would have been too difficult.'

Scenario 4: In [OU1], some students found it difficult to provide constructive feedback and there have been occasional arguments (flames) in the forums (also, see [OU5]). To counter this small problem more guidance about positive commenting has been added to the course material in [OU1] and moderators have been advised on how to help students to be constructive (Minocha, 2009).

RELIANCE ON AN EXTERNALLY PROVIDED SERVICE

It may also be important for an institution to ascertain what level of service is provided by an externally-hosted Web 2.0 technology. This is particularly true where the use of the technology would provide a large or important part of the learning experience, or where the technology is used to mediate formal assessment in some manner.

Dr Chris Adie, at the University of Edinburgh, suggested the following to be examined in relation to the assurance of service that an institution might require:

1. "The Security of the Service Provider"
   For how long can the external Web 2.0 service provider be expected to be around?
2. "Confidentiality"
   To what extent does the service provider respect the protection of information where appropriate (such as personal data, sensitive information about the institution's business, or confidential information – in relation to a patentable invention, for example).
3. "Ownership of Data"
   To what extent (if any) does the Web 2.0 service provider claim ownership of submissions and contributions?
4. "Security of Data"
   In addition to the matters noted under confidentiality above, there is the question of the safety of the data – both in terms of back-up, and in terms of unauthorised access.
5. "Performance"
   To what extent does the service provider agree to a particular standard of performance, and is there any possible remedy if that standard isn't met?
6. "Reliability"
   To what extent is the service stable and resilient? How often will it not be available?
7. "Support"
   How good are the reference sources of help, and the interactive assistance (such as a helpdesk)?
8. "Single Sign-On"
   To what extent can use of the Web 2.0 service be included under the standard institutional sign-on?
9. "Lock-in"
   To what extent legally (due to contractual obligations) and technically (due to compatibility) would the institution be tied-in to a particular technology?
10. "Longevity"
    What is the service provider's policy on maintaining unused accounts and data?
11. "Functional Stability"
    To what extent is the provision of the service likely to change over time? (Adie, 2007)

CONTRACTING AUTHORITY

Individuals can accept any terms of use. However, we are within an institution which may have agreements within which we need to operate. We are doing things in the service of teaching and learning. There are problems with what institutions (as opposed to individuals) may accept.

Questions to ask ourselves:

- What are terms of jurisdiction?
- Whose law applies?
- What authority does faculty have in contracting with third parties?
- If individual faculty sign for themselves and dispute arises from use, is the institution liable and bound by the agreement?
- If not, can it defend/indemnify faculty member? (Cate, 2009)

JURISDICTION, DISPUTE RESOLUTION, CHOICE OF LAW AND VENUE

As users we need to pay attention to any agreements between third party sites and users in regard to jurisdiction, dispute resolution, and similar. Often third-party sites will specify dispute resolution methods within their terms of service or similar documentation. In using their services we agree to these contracts as individuals and, in some cases perhaps, as institutions. Basically, these sites, and you by agreeing to use them, agree to a process they have in place, such a binding arbitration that occurs in a particular state (Cate, 2009).

Here is an example:

Facebook: "You will resolve any claim, cause of action or dispute ("claim") you have with us arising out of or relating to this Statement or Facebook exclusively in a state or federal court located in Santa Clara County. The laws of the State of California will govern this Statement, as well as any claim that might arise between you and us, without regard to conflict of law provisions. You agree to submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims."

POSSIBLE POLICY STATEMENTS COULD BE:

> **Before adopting the use of an externally-provided Web 2.0 service, the organizer shall appraise the stability and security of that service, the loss, damage and/or disruption that would be caused by failure of the service, and the corresponding benefit that using the service brings.**

> Web 2.0 technology organizers shall, upon becoming aware of potential liability attaching to the institution, apply the institution's Notice and Takedown Procedure as detailed at [location].

> Web 2.0 technology organizers shall, upon becoming aware of potential liability attaching to the institution, remove the relevant item as soon as possible (or will apply to have the item removed as soon as possible), and will inform [job title] immediately of the circumstances (JISC Legal, 2008a)

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

Scenario 1: In [OU1], the Open Studio tool allows students to upload and share photographs with their fellow students using a standard web browser. The tool is only available to students registered on the course and to authorized staff members. OpenStudio was developed by the OU after the course team's original plans of integrating the university's authentication system with Flickr had to be shelved. The main concerns were that the university could not control the public facility or integrate it sufficiently into the assessment system (eg 'They couldn't enforce cut-off dates – a student would have been free to change their submitted photos after the ECA [End of Course Assessment] submission date'). In [SC], the educator identified a similar concern that the deadlines cannot be specified within Flickr. In [US], concerns were expressed about the use of systems in the public domain as such systems cannot be administered and controlled centrally.

Scenario 2: Some case studies actually experienced changes in the software they were using over the duration of their projects ([BCU1] and [NC] had to adapt to a new version of PBwiki). In [LSBU], they found that the Lulu interface improved over the course of the module, while [ARU] experienced a number of technical problems resulting from upgrades to Second Life, which meant that Second Life could no longer be used on all the university computers.

Scenario 3: In [LSBU], one student's account on Facebook was terminated, resulting in the loss of her

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academic work on Facebook. Project teams found that they could not control the registration of users. As a result, educators may not able to provide support to students who have lost their password or forgotten their user id. For example, in [SC] some Flickr user ids were abandoned because of this. The separate identity management within Ning makes institutional adoption problematic [LU]. In future, projects may be able to look to initiatives such as OpenID () to provide some level of commonality for account management (Minocha, 2009).

OVERVIEW OF SOCIAL MEDIA TOOLS AND THEIR RELATED POLICIES

Whereas the original Web was more of a one-way medium with content going from the publisher to the reader, **Social media is a bi-directional medium where people interact with each other and/or with the content.** Basically, it is a change from an environment with a few content authors and many readers to one in which users generate, re-purpose, and consume shared content.   As the Consortium for School Networking (CoSN) notes, "Social media is defined as an online application that uses the World Wide Web (www) as a platform and allows for participatory involvement, collaboration, and interactions among users. Social media is also characterized by the creation and sharing of intellectual and social resources by end users" (2009).

Examples of Social media applications include items such as web logs or blogs; online diaries that allow the originator and readers to state ideas and react; wikis, which are topical collections of information that can be edited by multiple individuals within a group; social networking sites where users can create personalized pages of information and interact with others ; or file sharing sites where users can share images, audio, video and more. In addition to these, there are services that allow users to participate in various group activities and to complete, individually or collaboratively, a variety of tasks such as document creation and editing that would previously have relied upon software on a local computer (CoSN, 2009; Albion, 2008).

Social media applications like online communities, blogs, and wikis should not be thought of as just a passing fad or idle socializing, but as an activity that has embedded itself into the way work gets done (Demski, 2009). As Albion notes in Social media in Teacher Education, "Social media represents a more participative and potentially paradigm-changing environment for building and sharing knowledge. Some educators have begun to apply these tools in classrooms but, as their use in society expands, there will be expectations for their wider application in schools." (2008). He continues, "As Social media develops, it will not be possible for educators at any level to ignore it. Society, especially employers, will expect education to develop essential skills with the new tools, and learners already familiar with the tools will expect to be able to apply their knowledge and skills while learning" (Albion, 2008).

SOCIAL BOOKMARKING (FOLKSONOMY)

Social bookmarking sites work to build communities of users based on their decision to link to, cite, and otherwise reference specific websites, journals, and other resources. It is a method for Internet users to store, organize, search, and manage bookmarks of web pages on the Internet with the help of metadata, typically in the form of tags that collectively and/or collaboratively become a folksonomy. Folksonomy is also called social tagging and is the process by which many users add metadata in the form of keywords to shared content (Wikipedia). Social bookmarking sites include, but are not limited to Delicious, Diigo, Stumbleupon, Citeulike, Sitemark, and Trailfire.

Visit http://www.ebizmba.com/articles/social-bookmarking to see the top 20 most popular social bookmarking Websites for July 2009.

- Delicious: http://delicious.com/
- Diigo: http://www.diigo.com/
- Citeulike: http://www.citeulike.org/
- Sitemark: http://www.sitemark.com/
- Trailfire: http://www.trailfire.com/

Here are some ideas of how social bookmarking could be helpful in education:
- Create a set of resources that can be accessed on any computer connected to the Internet
- Conduct research and share that research with your peers
- Track author and book updates
- Groups of students doing a classroom project sharing their bookmarks, a teacher subscribed to their rss feed to see the direction of their research.
- Post research and information bookmarks. All members continuously benefit from this shared resource.
- Rate and review bookmarks to help other students to decide on usefulness of resources
- Setup a group tag in order to share educational resources
- Unintended learning through the discovery of resources and information shared by others through their bookmarks
- Share links to current news items that relate to classroom discussions (D'Souza, 2006)

As Christine Greenhow, the founding chair of the Social Networks Research Collaborative at the University of Minnesota notes, "Several tools, similar to Delicious, allow educators and learners to assemble, annotate, recommend, and share resources, such as books, journal articles, websites, and contacts. Social bibliography sites—also called 'social bookmarking' sites—such as Citeulike and Diigo not only allow students to better document their trajectory on the Web, but also to archive and comment on resources they collect along the way. Social bibliography sites are 'social' in that they allow users to browse other users' online bibliographies and interact with them" (2009).

POLICIES RELATING TO SOCIAL BOOKMARKING

Again, it is good for users of third-party services to be aware of the services providers policies and standards. Let us consider for a moment some of the policies surrounding use of del.icio.us:

- Delicious reserves the right to terminate your license to use Delicious at any time and for any reason or to charge for commercial usage in the future.
- In accessing Delicious or following links to third-party websites you may be exposed to content that you consider offensive or inappropriate. You agree that your only recourse is to stop using Delicious.
- Delicious is explicitly not responsible for the manner or circumstances by which third parties access or use public content and is under no obligation to disable or otherwise restrict this access.

- Delicious provides the site and services 'as is' and without any warranty or condition, express, implied, or statutory. Delicious specifically disclaims any implied warranties of merchantability, fitness for a particular purpose, non-infringement, information accuracy, integration, interoperability, or quiet enjoyment. Some states do not allow the disclaimer of implied warranties, so the foregoing disclaimer may not apply to you.
- You understand and agree that you use Delicious at your own discretion and risk and that you will be solely responsible for any damages that arise from such use. Under no circumstances shall delicious or its affiliates be liable for any direct, indirect, special, incidental, consequential or punitive damages of any kind, or any other damages whatsoever (however arising, including by negligence), including without limitation, damages related to use, misuse, reliance on, inability to use and interruption, suspension, or termination of the site or services, damages incurred through any links provided on the site and the nonperformance thereof and damages resulting from loss of use, sales, data, goodwill or profits, whether or not delicious has been advised of such possibility. Your only right with respect to any dissatisfaction with delicious shall be to terminate use of delicious. Some states do not allow the exclusion of liability for incidental or consequential damages, so the above exclusions may not apply to you.

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

Scenario 1: In [SU], the students were asked to annotate their entries onto a social bookmarking website with their names. Some of the students were not willing to do this, which meant that some entries were anonymous. This had implications for checking a student's involvement and progress with the course.

Scenario 2: In [OU4], the educator did express concerns about the resources (bookmarks) and how she would lose them if Delicious ceased to exist (Minocha, 2009).

SOCIAL NETWORKING AND PROFILES

As Wikipedia notes, "A social network service focuses on **building online communities of people who share interests and/or activities, or who are interested in exploring the interests and activities of others**. Most social network services are web based and provide a variety of ways for users to interact, such as e-mail and instant messaging services." It includes sites such as Facebook and MySpace that are open for anyone to subscribe to, or can be more limited/controlled sites such as Ning, Lymabean, or Saywire.

- Facebook: http://www.facebook.com/
- MySpace: http://www.myspace.com/
- Ning: http://www.ning.com/
- Lymabean: http://www.lymabean.com/
- Saywire: http://www.saywire.com/

POLICIES RELATING TO SOCIAL NETWORKING AND PROFILES

It is advised that any individual using social networking sites review the sites policies. Below are segments of the Facebook policies obtained from http://www.facebook.com/terms.php?ref=pf

Facebook follows two core principles:
1. You should have control over your personal information.
2. You should have access to the information others want to share.

Sharing Your Content and Information: You own all of the content and information you post on Facebook, and you can control how it is shared through your privacy and application settings.

Protecting other peoples rights: You will not post content or take any action on Facebook that infringes or violates someone else's rights or otherwise violates the law. We can remove any content or information you post on Facebook if we believe that it violates this Statement.

Disputes: You will resolve any claim, cause of action or dispute ("claim") you have with us arising out of or relating to this Statement or Facebook exclusively in a state or federal court located in Santa Clara County. The laws of the State of California will govern this Statement, as well as any claim that might arise between you and us, without regard to conflict of law provisions. You agree to submit to the personal jurisdiction of the courts located in Santa Clara County, California for the purpose of litigating all such claims.

Facebook has detailed statements regarding:
1. Privacy
2. Sharing your content and infomormation
3. Safety
4. Registration and account security
5. Protecting other people's rights
6. Mobile
7. Payments
8. Special Provisions Applicable to Share Links
9. Special Provisions Applicable to Developers/Operators of Applications and Websites
10. About Advertisements on Facebook
11. Special Provisions Applicable to Advertisers
12. Special Provisions Applicable to Pages
13. Amendments
14. Termination
15. Disputes
16. Special Provisions Applicable to Users Outside the United States
17. Definitions
18. Other

QUESTIONS TO ASK OURSELVES

- What issues arise if a faculty in a traditional class chooses to put all of his/her supplemental course materials on Facebook (or a similar platform)?
- What if the instructor requires a Facebook account to view the information?
- What if the instructor does not require a Facebook account to view the information?

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

Scenario 1: There was some concern in several institutions among students and educators that the use of social software blurred boundaries between personal and academic life. For example, in [BCU2], the students admitted that the Facebook group set up for pre-induction was useful but they did not want university interactions in Facebook to continue once they had joined the university. In contrast, in [ARU] and in [LSBU], the educators were allowed access to their students' profiles on Facebook but in [UM], some students were hesitant about interacting with their educators on Facebook as they perceived Facebook as a social space rather than an academic space.

Scenario 2: In [BCU2], where the target users had not yet started their studies at the university, staff expressed concern that an open Facebook group may potentially allow other universities access to their students, and that this may impact on recruitment. A different kind of concern was raised in [SC], where the educator was concerned about how misbehaviour of even one student in the group (which is on Flickr) could potentially jeopardise the reputation of the college, but he also noted that a 'lot of trust' and support from the college has helped to ease such concerns.

Scenario 3: Educators and organisations face the dilemmas about whether, and to what extent communications in social networking sites should be moderated (eg [RH]), and what, if any, interventions should be undertaken. Institutions face the dilemma of policing the content versus leaving the discussions to take their own course (and thus to encourage participation, especially when the social software initiative has been set up to collect requirements and opinions [RH]. (Minocha, 2009).

BLOGS

As Wikipedia notes, "A blog (a contraction of the term "weblog") is a type of website, usually **maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Often end-users can respond directly, and publically, to Blog postings.** Entries are commonly displayed in reverse-chronological order." Students can use blogs to publish their own writings, discuss group assignments, peer review each other's work, collaborate on projects and manage their digital portfolios (Churchill 2009). Popular blogs include Blogger and Wordpress to name a few.

According to a study of blog uses that was conducted in a class of postgraduate students over the period of one semester:

> "Briefly, data from the questionnaire suggests that the participating students from the group under study agreed that blogging facilitated and contributed to their learning and that due to the use of blogs the facilitator appeared to be more involved in their learning. Further, the students appeared to agree that the facilitator's blogging activity encouraged them to blog. Aspects of blogging that contributed most to the students' learning were accessing and reading blogs of others, both those of other students and the facilitator, receiving comments and previewing completed tasks of students, and reading personal feedback. When asked during the interviews to indicate what they liked most about blogging, the participating students specified viewing the work of others (eg, in students' terms to 'learn new things from others' perspectives' or 'see progress of others') and receiving comments on their work. In relation to reasons for blogging, it appeared that tasks that required them to use blogs to present final outcomes were of key importance …

> This study demonstrated that blogs can be effective educational technology and useful blog-based activities for learning are: (1) reading blogs of others, (2) receiving comments and (3) previewing tasks of others and reading feedback received in relation to these. Encouragement for students to blog were: (1) regular learning tasks which require students to present outcomes in their blogs, (2) blogs being an assessment requirement and (3) regular blogging of a teacher. Through blogs, a teacher can create an ambience in which students feel themselves to be important parts of the classroom community and that their needs and opinions are recognized and addressed.

> In order to maximize opportunities, a blog system can be expanded through other Social media applications. RSS technology might be useful in helping teachers and students to manage access to information. Folksonomy or user tagging can also be useful. Students and teachers can tag their own posts and posts of others and these tags could provide meta-information about the content of the posts. Social media digital repositories (such as Youtube, Flickr or Slideshare) can also be useful additions to the blogsphere. Teachers and students can deposit resources in these repositories and display them in their blogs. Developers of new generations of learning managing systems are beginning to explore ways of integrating Social media ideas in order to provide systems that leverage technological developments" (Churchill, 2009).

View full report at http://www3.interscience.wiley.com/cgi-bin/fulltext/121521504/HTMLSTART.

- Blogger/Blogspot: http://www.blogger.com/
- Wordpress: http://www.wordpress.com/

POLICIES RELATING TO BLOGS

"Being a medium for expression of thoughts, blogs constitute one of the classic Web 2.0 technologies that could create liability for inaccurate, defamatory and obscene content" (JISC, 2008b).

Risks associated with defamatory or obscene content include:

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- Blog contributors publishing defamatory materials could make institution liable by association
- Inadequate "notice and take down" procedures for offending material
- Potential damage to institutional reputation (JISC, 2008b).

SCENARIOS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

Students were working in schools, and were told not to use of the names of the schools, pupils or teachers in their blog entries. However some students did not follow this guidance. The blog was private, however if it had been open to the public domain this could have had serious implications for the university. In [UW], one student raised a personal issue related to health online. Staff felt that it was a private issue and was not appropriate for discussion in a public place and removed the post. In [UM] students were advised about online privacy and safety guidelines. The initiative was branded as a university network (even when it was hosted on Ning, an external social networking framework) to emphasize that users will be bound by university regulations.

OPEN EDUCATIONAL RESOURCES

Open educational resources are growing in prevalence in the United States as well as globally and include OpenCourseWare (OCW) as well as other learning initiatives. Institutions involved in OCW initiatives in the United States included founder Massachusetts Institute of Technology (MIT), Johns Hopkins Bloomberg School of Public Health, Carnegie Mellon, Tufts University, University of California—Irvine, University of Norte Dame, and Utah State University among others nationally and globally (OCW Consortium, 2009; OCW Finder, 2007). There are other initiatives as well that combine resources from various institutions such as, Connexions, Multimedia Educational Resource for Learning and Online Teaching (Merlot), or Academic Earth. Other resources aimed at opening access to books and other print materials such as the Internet Archive Open Content Alliance (OCA) are also available.   A good place to start for open educational resources is http://discovered.creativecommons.org/search/.

The open educational resources movement consists of **freely accessible electronic access to course materials, but it also involves other aspects such as open access to books and library materials, and access to modules of educational information instead of complete courses**. It may also include educational communication tools or implementation resources as well (International Institute for Education and Planning, 2005). Essentially, it is teaching, learning, and research resources, content or otherwise, which reside in the public domain or have been released under an intellectual-property license that permits their free use or repurposing by others. This may include learning content, tools such as software, or implementation resources such as methods or principles (Smith & Casserly, 2006; Stover, 2005; Trenin, 2007). Their intention, overall, is to foster learning and the acquisition of competencies in both teachers and learners (Open eLearning, 2007).

- DiscoverEd: http://discovered.creativecommons.org/search/
- OER Recommender: http://oerrecommender.org/
- OCW Finder: http://www.ocwfinder.com/
- Academic Earth: http://academicearth.org/
- Connexions: http://cnx.org/
- Merlot: http://www.merlot.org/
- Internet Archive: http://www.archive.org/

POLICIES RELATING TO OPEN EDUCATIONAL RESOURCES

Using open educational resources for learning purposes likely carries few restrictions, however, using these materials for development or enhancement of educational materials to be used by others or presented, in some manner, as your own will run into copyright restrictions as identified by the authors of the content. It is advised that users with the latter intent insure that the content has proper Creative Commons attribution for their needs. [See creative commons segment of this document].

For faculty or others desiring to post their own materials on to open educational resource sites, they should ensure there are not any ownership rights issues revolving around the content intended to be posted. For example, in some cases it may not be clear if content is 'owned' by the institution or the individual, particularly if the individual was paid for or during creation of the content.

OPEN ACCESS JOURNALS AND PUBLICATIONS

Although open access journals are not Social media per se, they are relevant when it comes to topics such as Digital Repositories or Self-Archiving Systems. Open access journals are those that are **scholarly journals publicly available at no cost to the end user.** A full list of open access journals can be found at the directory of open access journals at the Directory of Open Access Journals (http://www.doaj.org/).

[Talk about things like BEPress and Mendeley and the like]

In some cases you simply post your work and can share it publically and obtain commentary on it , such as in digital repositories such as Mendeley or MIT's DSpace. In some cases you may do this through a person or entity or you might use a self-archiving site.
- Directory of Open Access Journals: http://www.doaj.org/
- Mendeley: http://www.mendeley.com/
- DSpace: http://dspace.mit.edu/
- SelectedWorks: http://works.bepress.com/

POLICIES RELATING TO OPEN ACCESS JOURNALS AND PUBLICATIONS

Using open access journals and publications for learning purposes likely carries few restrictions, however, using these materials for development or enhancement of educational materials to be used by others or presented, in some manner, as your own will run into copyright restrictions as identified by the authors of the content. It is advised that users with the latter intent insure that the content has proper Creative Commons attribution for their needs. [See creative commons segment of this document].

Additionally, if authors of published works are considering placing their materials on open access sites such as Selected Works, they need to ensure that the journal or place of publication does not retain copyrights that do not permit this.

COLLABORATIVE AND INTERACTIVE ENVIRONMENTS, INCLUDING WIKIS

A collaborative and/or interactive environment is just that – **the user can interact with the site itself, with others, and sometimes with the originators themselves**. Perhaps the most common type of collaborative/interactive environment is the wiki.

Some collaborative and interactive environments include: Zunal, Thinkature, Web Conferencing tools such as Webex, Yugma, gotomeeting, or livemeeting; Instant Messaging such as ICQ, Yahoo messenger, MSN messenger or AIM; and Virtual Worlds such as Second Life, ConceptShare, Mebeam, Tokbox,

- Zunal: http://www.zunal.com/
- Thinkature: http://www.thinkature.com/
- Yugma: https://www.yugma.com/
- Gotomeeting: http://www.gotomeeting.com/
- ConceptShare: http://www.conceptshare.com/
- Mebeam: http://www.mebeam.com/
- Tokbox: http://www.tokbox.com/

WIKIPEDIA AND OTHER WIKIS

One very well known collaborative and interactive environment is Wikipedia, and other related Wikis. As Knobel and Lankshear describe, "A **wiki is a collection of webpages whose content is typically organized around a specific purpose or topic. Content can be collaboratively written, added to, deleted, and modified by users**. Wikis are not like static webpages whose content is controlled by the website owner or webmaster. They are more like a shared, online writing space supporting embedded links to other pages internal or external to the wiki. Along with text and hyperlinks, wiki pages may include embedded images, audio, and video. Many wikis also have a built-in discussion space for each page. Because wikis are fully searchable they are ideal go-to spaces for accessing useful and current resources. The best-known example of a wiki is the massively collaborative online encyclopedia Wikipedia (www.wikipedia.org)" (2009).

POLICIES RELATING TO COLLABORATIVE AND INTERACTIVE ENVIRONMENTS

The wiki serves the role of an information resource and as a publishing platform. This could create risks concerning the legal validity of the information contained in them (JISC Legal, 2008). Additionally, "Collaborative creations in wikis can involve a multitude of combinations in terms of the creators involved" (JISC Legal, 2008).

As JISC Notes:

> One of the most common IPR issues here is the individual right to authorship and copyright ownership in content contributed by one person as against the other. A student who contributes to a common data pool might also wish to claim ownership in the submitted content. It could however be the case that the submitted content incorporates material that is inseparable and is created by other members of the team or a faculty member. Considering such risks, it is imperative that the institution gives due consideration to the development of staff and student intellectual property rights policies and incorporate provisions on IPR ownership in staff contracts of employment prior to facilitating Web 2.0 technologies at institutions.
>
> Content contributed by authors might also comprise third-party copyright material or even orphan works (works in which the rights holder cannot be traced or are unknown). Appropriate copyright clearance or permissions are necessary to post these materials in the wiki. Where such clearance or permission is lacking the institution could face the risk of being sued for hosting copyright infringing content. This could also indirectly affect the proper running of the wiki" (2008).

Risks associated with adding content include:
- Copying, adapting and communicating contents without permission
- Adding, removing or altering material without permission
- Inaccurate or misleading content
- Difficulties identifying an author for subsequent changed treatment of content
- Multiplicity of authors could lead to disputes over copyright ownership (JISC Legal, 2008).

SCENARIOS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

The use of wikis highlighted students' concerns about shared production and editing each others' work [UH]. In the wiki, the 'ownership' of contributions can be unclear, and perceptions of ownership can vary among group members.

DOCUMENT SHARING

Document sharing sites **allow you to share and collaborate online.** In other sites you can actually co-edit or co-author documents such as in Google Docs, Slideshare, or 280 Slides.
- Google Docs: http://docs.google.com/
- Slideshare: http://www.slideshare.net/

Questions to ask ourselves:

- Who is the 'owner' of the information, particularly if there is more than one editor?
- Who is able to view this document or resource (group, individuals, public) and how?
- Who has the ability to make this document public and how?
- If the information is being put on a third party site, what rights does the third party have regarding the content?

POLICIES RELATING TO DOCUMENT SHARING

Let's consider Google Docs. Here are a few snippets from Google's Terms of Service located at http://www.google.com/accounts/TOS:

You understand that all information (such as data files, written text, computer software, music, audio files or other sounds, photographs, videos or other images) which you may have access to as part of, or through your use of, the Services are the sole responsibility of the person from which such content originated. All such information is referred to below as the "Content".

Google reserves the right (but shall have no obligation) to pre-screen, review, flag, filter, modify, refuse or remove any or all Content from any Service.

You understand that by using the Services you may be exposed to Content that you may find offensive, indecent or objectionable and that, in this respect, you use the Services at your own risk.

You retain copyright and any other rights you already hold in Content which you submit, post or display on or through, the Services. By submitting, posting or displaying the content you give Google a perpetual, irrevocable, worldwide, royalty-free, and non-exclusive licence to reproduce, adapt, modify, translate, publish, publicly perform, publicly display and distribute any Content which you submit, post or display on or through, the Services. This licence is for the sole purpose of enabling Google to display, distribute and promote the Services and may be revoked for certain Services as defined in the Additional Terms of those Services.

MICROBLOGGING

As Wikipedia notes, "Micro blogging is a form of multimedia blogging that **allows users to send brief text updates or micromedia such as photos or audio clips and publish them**, either to be viewed by anyone or by a restricted group which can be chosen by the user. These messages can be submitted by a variety of means, including text messaging, instant messaging, email, digital audio or the web." It includes tools such as Twitter, Yammer, Plurk, and Jaiku.

Right now UVU has a Yammer account which is restricted to those at UVU. It has over 85 members from all areas of campus. UVU has even recently been mentioned in an article for its innovative use of Yammer, "'A number of tech-savvy early adopters latched on first here, naturally, but it has expanded in the past month or two and has proven extremely beneficial for exchanging ideas across a diverse and often very segmented campus,' says Erin Spurgeon, UVU's communications manager. "This is where Yammer comes into play. My coworker Vegor Pedersen I think states it best in his blog post, 'Yes We Yam.'" (Smith, 2009)

Plugins such as Yammerfox are strongly recommended for following the Yammer discussions.
- Twitter: http://www.twitter.com/
- Yammer: http://www.yammer.com/
- Jiaku: http://www.jaiku.com/

SCENARIO

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

If the Twitter accounts or blogs are kept private or open to only a few selected users, then there could be a negative impact on group dynamics (concerns in [PU]) as there will be limited communication.

FEEDBACK AND USER REVIEW

A number of sites exist where end users can offer **feedback and review**. Most are familiar with this type of capability through sites like Amazon.com or Epinions. However, there are also sites where users can rate their instructors or even their institutions. Examples of these include <u>Rate My Professors</u>, <u>Communiversity</u>, <u>Unigo</u>, <u>StuVu</u>, and <u>The University Review</u>.

- RateMyProfessors: <u>http://ratemyprofessors.com/</u>
- Communiversity: <u>http://www.communiversity.com/</u>
- Unigo: <u>http://www.unigo.com/</u>
- StuVu: <u>http://www.stuvu.com/</u>
- The University Review: <u>http://www.theuniversityreview.com/</u>
- Zinch: <u>http://www.zinch.com/</u>

POLICIES RELATING TO FEEDBACK AND USER REVIEW

In the case of user feedback review it is unlikely that an institution would say feedback and review is not acceptable by those affiliated with the institution. However, it may want to communicate about possible take-down notices when applicable and will likely want to be familiar with the feedback and user review sites relating to the institution.

As an example:

Rate my Professor - Posting Guidelines

As a user of RateMyprofessors.com, you agree and accept the terms and conditions of the site. This site is a resource for students to provide and receive feedback on professor's teaching methods and insight into the courses. Comments should only be posted by students who have taken a class from the professor. Please limit one comment per person per course.

The following guidelines are intended to protect all users-students and professors. Please review before posting on RateMyProfessors.com

DOs:
- Be honest.
- Be objective in your assessment of the professor.
- Limit your comments to the professor's professional abilities. Do not to get personal.
- Proof your comments before submitting. Poor spelling will not cause your rating to be removed; however, poor spelling may result in your rating being discredited by those who read it.
- Leave off your Name, Initials, Pseudo Name, or any sort of identifying mark when posting.
- Refer to the Rating Categories to help you better elaborate your comments.
- Remember that negative comments that still offer constructive criticism are useful. Comments that bash a professor on a personal level are not.
- Submit helpful comments that mention professor's ability to teach and/or communicate effectively, course load, type of course work and course topics.

DO NOTs:
- State something as a fact if it is your opinion.
- Post a rating if you are not a student or have not taken a class from the professor.
- Post ratings for people who do not teach classes at your college or university.
- Input false course or section codes for a class that does not exist.
- Rate a professor more than once for the same class.
- Make references to other comments posted.
- Professors : Do not rate yourselves or your colleagues.

Comments will be deemed inappropriate that are libelous, defamatory, indecent, vulgar or obscene, pornographic, sexually explicit or sexually suggestive, racially, culturally, or ethnically offensive, harmful, harassing, intimidating, threatening, hateful, objectionable, discriminatory, or abusive, or which may or may appear to impersonate anyone else.

Comments that contain the following will be removed:

- Profanity, name-calling, vulgarity or sexually explicit in nature
- Derogatory remarks about the professor's religion, ethnicity or race, physical appearance, mental and physical disabilities.
- References to professor's sex life (Including sexual innuendo, sexual orientation or claims that the professor sleeps with students).
- Claims that the professor shows bias for or against a student or specific groups of students.
- Claims that the professor has been or will be fired, suspended from their job, on probation.
- Claims that the professor engages or has previously engaged in illegal activities (drug use, been incarcerated.)
- Includes a link/URL to a webpage or website that does not directly pertain to the class.
- Any piece of information including contact info that enables someone to identify a student.
- Any piece of information about the professor that is not available on the school's website and allows someone to contact them outside of school. This also includes remarks about the professor's family and personal life.
- Accusations that the professor is rating themselves or their colleagues.

The Do Nots of these Posting Guidelines will be enforced and violations will result in either the rating's comment being removed, or the entire rating being deleted. If you see a rating that you believe violates Posting Guidelines, please click the red flag and state the problem. It will be evaluated by RateMyProfessors moderators. Please do not flag a rating just because you disagree with it.

Comments containing a threat of violence against a person or any other remark that would tend to be seen as intimidating or intends to harm someone will deleted. RateMyProfessors will notify the authorities of your IP address and the time you rated. This is enough information to identify you. IP addresses will also be turned over to the proper authorities when presented with a subpoenas or court orders from a government agency or court.

PHOTO AND VIDEO SHARING AND EDITING

There are a multitude of sites that permit you to **share images**. This includes sites such as Flickr, Picnik, Picasa (Google), Webshots, Photobucket, or YouPublish to name a few. There is also a multitude of sites that permit you to **share videos**. This includes site such as Youtube, Vimeo, Viddler, Ustream, Teachertube, Yahoo Video, or Graspr. There are even sites that help you **create** the pictures or videos such as Jing.

- Flickr: http://www.flickr.com (log in as 'uvumarketing' and password 'gogreen')
- Picnik: http://www.picnik.com/
- Webshots: http://www.webshots.com/
- Photobucket: http://photobucket.com/
- YouPublish: http://www.youpublish.com/
- Youtube: http://www.youtube.com/
- Vimeo: http://www.vimeo.com/
- Viddler: http://www.viddler.com/
- Ustream: http://www.ustream.tv/
- Teachertube: http://www.teachertube.com/
- Yahoo Video: http://video.yahoo.com/
- Graspr: http://www.graspr.com/
- Jing: http://www.jingproject.com/

POLICIES RELATING TO PHOTO AND VIDEO SHARING AND EDITING

Lets consider Flicker in looking at policies that exist on photo and video sharing sites. Users are required to operate within the policies and regulations of the site.

Flickr offers community guidelines along with its official policies. Here are some things those community guidelines include:
- Do play nice
- Do upload content that you have created
- Do moderate your content
- Do link back to Flickr when you post Flickr content elsewhere
- Do enjoy Flickr
- Don't upload anything that isn't yours
- Don't forget the children
- Don't show nudity in your buddy icon
- Don't upload content that is illegal or prohibited
- Don't vent your frustrations, rant, or bore the brains out of other members
- Don't be creepy
- Don't use your account to host web graphics like logos and banners
- Don't use Flickr for commercial purposes

This is all followed with detailed information on terms of use, copyright/IP policy, privacy policy, and even a means to report abuse.

Here are some snippets from its policies:

Information Collection and Use Practices

- You can choose to make your photos public for anyone to access, restrict access to a limited number of other Flickr users, or keep those photos private so only you can access them.
- Advertisements shown to you may be related to textual information, such as metadata and notes, associated with the photo you are seeing, or the search term you entered.

Information Sharing and Disclosure Practices

- You can specify whether or not you want your photos to be accessible to the public, accessible to a select few, or private (only you can access them with your Yahoo! ID and password).

Practices Regarding Your Ability to Update or Delete Information

- You can delete individual photos that you have on Flickr by selecting the photos that you wish to delete, then clicking the delete button. Or you can delete groups of photos using batch operations.
- Visit your Flickr account information area to edit your profile, default privacy settings for photos, and more.

It is Yahoo!'s policy, in appropriate circumstances and at its discretion, to disable and/or terminate the accounts of users who may infringe or repeatedly infringe the copyrights or other intellectual property rights of Yahoo! and/or others.

SCENARIOS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

In [SC], students were uncomfortable about uploading on Flickr the photographs they were taking on the course as they felt that they had no control about who was looking at the photographs and using them.

SOCIAL MEDIA IN EDUCATION

Now that we have described some of the many tools that are available (see http://www.go2web20.net/ for a far longer and more detailed list of Social media tools), we need to consider how Social media may be affecting education. As the Consortium for School Networking (CoSN) notes, "Social media tools can provide highly interactive and participatory environments that establish communities, open a myriad of communication channels, and ensure each individual and group a voice. In fact, there is a growing body of evidence that the collaboration inherent in the participatory nature of Social media tools can be leveraged to deepen student learning through authentic, real-world learning" (CoSN, 2009).

Here are some ways in which Social media tools can be useful in the classroom:
- Move students from searching for information to using and creating it
- Incorporate multiple learning styles into student projects and research
- Integrate 21st century skills into the curriculum
- Teach information literacy and participate in a networked public culture
- Foster more collaboration with teachers, other students, and community
- Share information (and labor) with colleagues
- Encouraging creative expression, gain authentic audiences, and get useful feedback
- Showcase or promote activities (Baumbach, 2009)

According to Vadim Lavrusik, in the Mashable Social Media Guide, here are 10 ways universities share information using social media:
1. Gathering and Sharing Information
2. Showcasing Student and Faculty Work
3. Providing a Platform to Broadcast Events
4. Emergency Notification
5. Connecting People
6. Producing, Not Just Promoting
7. Creating a Dialogue and Communicating to Students
8. Facebook Office Hours
9. Coaching for the Spotlight
10. Getting Wired Via Mobile (2009).

If students are to be the next inventors, entrepreneurs and leaders in the global economy, we must see to it that our young people have the innovative tools they need to be successful in the 21st century, particularly in the classroom (Cummings, 2009).

Below is some summary information from a report done by Consortium for School Networking (CoSN) and funded by the John D. and Catherine T. MacArthur Foundation, and with cooperation from ASCD and Common Sense Media, CoSN commissioned the Metiri Group to conduct the study. The information is based on the surveys from nearly 1200 district administrators, including 389 superintendents, 441 technology directors, and 359 curriculum directors.

> Nearly three-quarters of respondents (superintendents and curriculum directors) said that Social media technologies had been a positive or highly positive force in students' communication skills and the quality of their schoolwork. Over 50% of those same administrators believe that Social media has had a positive or highly positive impact on students' interest in school (67%), interests outside of school (70%), self-direction in learning (65%), sense of community and culture (65%), peer relationships (58%), relationships with parents and family (56%), and homework habits (55%). On the flip side, nearly half of these district administrators said that Social media had a negative or highly negative influence on exercise/physical conditioning. In addition, some district administrators (26%) said Social media negatively impacted homework habits.

> Over 77% of district administrators who responded to this question (superintendents and curriculum directors) agreed or strongly agreed with the statement "Social media has value for teaching and learning." When asked about the impact that Social media will have on teacher-

parent communication, student-teacher relationships, and student-to-student relationships, most anticipated that Social media would have a positive impact.

The seven highest-ranking priorities for social media use by district administrators were:
1. Keep students interested and engaged in school
2. Meet the needs of different kinds of learners
3. Develop critical thinking skills
4. Develop capabilities in students that can't be acquired through traditional methods
5. Provide alternative learning environments for students
6. Extend learning beyond the school day
7. Prepare students to be lifelong learners (CoSN, 2009).

The full report is at
http://www.CoSN.org/Portals/7/docs/Web%202.0/CoSN%20Report%20042809Final%20w-cover.pdf

An executive summary is at
http://www.CoSN.org/Portals/7/docs/Web%202.0/ExecSummaryCoSN%20Report042809Final.pdf

EDUCATIONAL GOALS OF SOCIAL SOFTWARE

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):
- Initiating new ways of learning
- Recording group discussions
- Giving control to students
- Simulating work environments and providing transferable skills to the students
- Peer-to-peer learning
- Critiquing each other's work
- Reflective learning
- Problem- and inquiry-based learning
- Collation of resources
- Skills Development
- Team working and online collaboration skills
- Organizing a virtual class
- Immediate (instantaneous) support from the educator and fellow students
- Creating a digital identity
- Improving the effectiveness of face-to-face tutorials and seminars
- Fostering community building and participation of students in university-wide initiatives
- Social engagement (Minocha, 2009).

ENABLERS TO SOCIAL SOFTWARE INITIATIVES

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):
- Decision making by individual educators or a small team of educators
- Fitting the initiative with the technology-enabled learning or strategy at the institution
- University's virtual learning environment (VLE) and availability of suitable tools
- Existing usage of tools within the institution
- Internal champion or mentor
- An internal successful initiative, which is also well documented or communicated
- Word-of-mouth and personal recommendation for choosing the tool
- Constraints of the in-house tools and storage space
- Ease of integration with the institution's VLE or existing systems
- Usability and specific function of the tool(s)

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- Students' familiarity with the tools
- Open source solutions and access to the developer community
- Promotion of the initiative
- Facility of technology-rich physical learning spaces and availability of equipment (Minocha, 2009).

BENEFITS OF USING SOCIAL SOFTWARE

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

- Increase in retention of the students
- Better understanding of students' needs
- Socialisation
- Collaborative learning
- Team working or working in groups
- Engaging students
- Development of a community
- Becoming aware of different approaches to learning
- Problem solving
- Inspirational learning
- Reflective learning
- Sense of achievement
- Sense of control and ownership
- Early feedback or interventions before formal assignments and quick turn-around time for feedback
- Peer-to-peer support and feedback
- Being conscious that the educator and fellow students can see their online work
- Visibility of artifacts being created
- Integration of multimedia assets (Minocha, 2009).

NON-EDUCATIONAL BENEFITS OF USING SOCIAL SOFTWARE

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3) intended educational goals of using social software includes:

- Student engagement in university initiatives
- Adding novelty and excitement to the learning and teaching environment
- Overcoming communication difficulties in face-to-face environments Overcoming isolation and geographical distances
- Interacting across multiple physical locations
- Experience with social software tools helps to foster cross-institutional collaborations
- Being 'green'
- Non-educational benefits or effect on employability
- Support and community building outside the course environment
- Students' positive perceptions of the institution and the educators involved in the initiative
- Wider impact of the initiative (Minocha, 2009)

CONCERNS OF STUDENTS REGARDING THE USE OF SOCIAL SOFTWARE TOOLS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):

- Concerns about unequal participation in group activities
- Negative comments or non-constructive feedback by fellow students

- Selective commenting
- Lack of socialization
- Lack of trust of peer feedback
- Ownership issues about contributions in a shared space in a group-activity: Being forced to comment
- Lack of student engagement
- Resistance to sharing artifacts in the public or collaborative space:
- Student enthusiasm or non-interest
- Collaboration perceived as onerous in flexible part-time distance education
- Privacy vs. community building
- Personal (social) and academic boundaries (Minocha, 2009).

TECHNICAL OBSTACLES OR SPECIFIC TECHNOLOGICAL REQUIREMENTS

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):
- Poor usability
- Changes in the software in the public domain
- Lack of control of tools in the public domain
- Lack of technical support for tools in the public domain
- Lack of technical support towards the initiative inside the institution
- Firewalls
- Technology mismatches
- Feature-rich tools in the public domain when only limited functions needed (Minocha, 2009)

CONCERNS OF INSTITUTIONS, EDUCATIONS AND STUDENTS OF USING TOOLS IN THE PUBLIC DOMAIN

Based on an analysis of 26 case studies where social software tools were employed in educational institutions in the UK (of which the full results can be found at http://tinyurl.com/5a8zu3):
- Students want to remain anonymous in the public domain
- Data protection and privacy concerns
- Concerns about the public nature of the social networking group
- Lack of control over social software tools in the public domain
- Reliability of the service
- Concerns about support from external companies
- Concerns about resources and tools in the public domain
- Public vs. private spaces within the tools
- Checking the legitimacy of usage and resource implications for an institution:
- Delays in decision making at organizational level
- Appropriateness of the content that is posted in the public domain or in the collaborative space of the initiative
- 'Policing' the content
- Keeping the social networking 'private'
- Adapting publically available tools
- Controlling spam
- Moderation of discussions
- Position of the institution regarding endorsement of the tools in the public domain (Minocha, 2009).

RISK ANALYSIS

Here is the viewpoint from the Webmaster at Oregon State University:

> Most social media sites that we use have enforced terms and conditions. So we don't have special policies or roles; we'll just work with those guidelines. If questionable or copyrighted material is uploaded to Facebook or YouTube, or if off-color commentary is made, it can be reported and removed. The communities at both of those sites are good at helping police content.
>
> We've not had many questionable issues. And in many cases, when questionable comments arrive, others rise to our defense. That shows spirit and engagement, when your constituents rally behind you.
>
> It takes a certain amount of giving up control. One thing to keep in mind is that these comments and these exchanges are happening out there anyway...if you don't engage with your perspective, you're giving up on the discussion. So we try to embrace controversy and show confidence that we're willing to engage with an audience in the social media space. It's a reality of communications today.
>
> One great feature of social media is the ability to do quick polls and surveys and get immediate feedback. With press releases and static pages, you only can track web statistics. But with social media, you can actually hear what people are thinking. So we ask questions: what did you think of this year's commencement? What do you think of this marketing campaign? What was your favorite event at OSU this year? And then we can collect real-time results.
> Finally, social media sites are essential because that's where the eyeballs are. You can have wonderful videos on your web site, but nobody will see them. YouTube accounts for 1/3 of all web searches...most of the video viewing users are going there first to look for videos. If you only allow students or fans in the football stadiums to upload cell-phone videos on YouTube, then you're allowing that content to speak for you on YouTube. So it's better for you to find your best content and put it in that space so you can get your message out there (Personal Communication July 1, 2009).

Oregon State, it seems, has already spent considerable time assessing their views on Web technologies and their associated risks. UVU needs to assess its own risk tolerance and what it sees as the most significant or relevant risk factors.

Areas we need to address as an institution include:

1. Security and confidentiality issues (Sensitive and protected information such as social security numbers, protected identities, etc)
2. Protection of data 'controlled' by UVU (having access to our data like budget information; or posting of otherwise private information)
3. Privacy issues (the institution will have to work within the contexts of the technology being used)
4. Slander and libel, copyright infringement, etc (Controllable by community culture, however, the potential does pose liability to the institution)
5. Who is able to edit or alter (understanding who and what)
6. Ownership of data issues (Was [blank] created by the institution or a third party editor or originator, etc.)
7. Performance and reliability (Stability of system, if the services moves out of beta format and begins to charge for the service, then what?)
8. Support offered (how users of systems get help)
9. Single sign-in capabilities (or not)
10. Becoming 'locked into' a system (If necessary. Can we freely extract our information from the service?)
11. Longevity of system (need to retain information and how, system popularity, etc)

12. Accessibility issues (Does the service have usability alternatives to prevent discrimination based on ability?)
13. Training relating to potential risks versus benefits
14. Accountability and administrative control issues (Who is responsible for what; who has access to what; moderation)
15. Control and monitoring issues (Do supervisors need to approve social media related activities during work hours?)
16. Mandated versus optional (or recommended) use
17. Duplication issues—several departments already recruiting students to their blogs, Facebook group, etc.
18. Student and audience preferences (Just because we build or endorse a tool it doesn't mean they come)

In looking at the risks we should identify: (a) description as in "there is a risk that X may happen, caused by Y, resulting in Z", (b) probability, (c) impact, (d) timescale, (e) response if it occurs (f) risk mitigation (preventative actions), and (g) warning signs.   The Web Tools group (a subset of the Web Task Force) believes a separate sub-committee, or possibly standing committee, should be developed to look into technology related risk analysis. Equally, the results of this sub-committee need to be widely distributed across campus.

STEPS TOWARD RISK MITIGATION

As JISC Legal notes, there are steps institutions can take to mitigate their risks:

1. Information services operating and supporting Web 2.0 technology would need to support its use with a „terms of use‟ or acceptable use policy (AUP) policy. Emphasis should be placed on the clarity of the policy - it should be clear to users what they can and cannot do when using web 2.0. This might for example, be in terms of imposing restrictions on their use.
2. If an institution has an existing policy, it should review the policy to check if it is fit for purpose and covers Web 2.0 use at the institution. Consultation should be arranged with departments using Web 2.0 applications on their current policy arrangement. The extent to which the goals of the policy are being met should be ascertained.
3. Staff and students should be made aware of their rights and responsibilities when starting to use a Web 2.0 technology.
4. Prior to deploying Web 2.0 technologies, appropriate confidentiality agreements should be entered into with third parties with regard to transfer of personal data over Web 2.0. The users of Web 2.0 should be given information on the parties to whom their data will be disclosed, and the policy should contain appropriate provisions for this.
5. Institutions must also include in their policy a clear procedure to be followed in cases of dispute relating to Web 2.0.
6. Most importantly it should be ensured that any policy or agreements are complied with and that any use is within the bounds of these.
7. Where an institution hosts Web 2.0 applications, content managers acting on behalf of their institution could be held liable for copyright infringing, defamatory or obscene content published in them. Content managers should therefore scrutinise content to see if appropriate rights clearance has been obtained prior to uploading them on wikis or blogs. Necessary and relevant editorial control should also be exercised on Web 2.0 applications such as blogs to ensure that content posted is not defamatory or obscene.
8. It should be remembered that the legal duty of designing a Web 2.0 application to aid disabled people extends to services provided by and operated by educational institutions for their students. (JISC Legal, 2008b).

SAMPLE CASES

A number of the cases and questions below were taken from a conference presentation at Educause by Beth Cate, Associate General Counsel, Indiana University System

DRUNKEN PIRATE

Purportedly a student is not granted her degree due to a picture that she posted on MySpace. Is this really about a picture on MySpace or not? Read the actual case before you make your decision: http://voices.washingtonpost.com/securityfix/Decision%202008.12.03.pdf

Related:
http://voices.washingtonpost.com/securityfix/2008/12/court_rules_against_teacher_in.html
http://www.thesmokinggun.com/archive/years/2007/0426072pirate1.html

MYSPACE SUICIDE CASE

Parent creates fictitious character 'Josh Evens' on MySpace and communicates with a 13 year old, Megan Meier, who has a history of depression and suicidal impulses and who is a rival of parent's daughter Sarah. After weeks of online courtship sends an email via 'Josh' that says, "The world would be a better place without you" which causes Sarah to commit suicide later that day.

Related:
http://www.nytimes.com/2008/11/27/us/27myspace.html
http://www.usdoj.gov/criminal/cybercrime/ccmanual/01ccma.html

What would you say or do?

- Can I require my students to engage in publicly viewable activities as part of my course?
- What do I do if one of my students is being harassed in an online setting I'm having him/her use as part of the class?
- What are rights on collaborative projects? (Cate, 2009)

CONCLUSION AND SUMMARY

SYLLABI

Be clear in your syllabi and with students on rights issues, including any limits in use of 3p tools (Cate, 2009).

PARTICIPATION ON POLICY FORMATION

As noted by the Higher Education Academy and the Joint Information Systems Committee, "The critical issues we have identified fall into three groups: immediate and fundamental; ongoing drivers to change; and fundamental over time (2009). However, creating policies is only part of the issue. Policy makers need to ensure the availability of advice and guidance on the legal and regulatory and other considerations involved in engagement with Web 2.0 is widely publicized, including, and especially, to senior management in institutions (Higher Education Academy and the Joint Information Systems Committee). It is only though clear communication that the policies can be adequately and evenly implemented.

WHEN WORKING WITH OTHERS

- Assume they have no knowledge of the technology as it is all very new
- It is often beneficial to demonstrate how the technologies will be used
- When applicable, identify other schools using the technologies
- Explain in laypersons language:
  - how they work,
  - who within the institution is using them, and
  - how, as well as
  - what is created through their use (both products and records) and
  - who has them (Cate, 2008).

THE FUTURE

As the Higher Education Academy and the Joint Information Systems Committee states, "The considerations universities face in using Web 2.0 technologies span a range of technical, social, legal and ethical. The questions raised include those of hardware specification and bandwidth requirements; staff training support; choice of provider of the technologies, in-house or external; ensuring access; respecting rights, including to privacy and intellectual property; compliance with data protection, copyright and freedom of information legislation; and acknowledgement of liabilities" (2009).

It is important, however, that educational institutions assess how Web 2.0 and social media tools can be beneficial to student's academic experiences and not let challenges deter them. The processes of engaging with Web 2.0 technologies develop a skill set that matches both to views on 21st century learning skills and to those on 21st-century employability skills – communication, collaboration, creativity, leadership and technology proficiency (Higher Education Academy and the Joint Information Systems Committee).

Richardson, in his book Blogs, wikis, podcasts, and other powerful Web tools for classrooms, notes that "in his view, the technologies are driving 10 major shifts in education, which he described as open content, multiple teachers and 24/7 learning, social and collaborative construction of knowledge, conversation rather than lecture, know "where" learning, more active readers, Web as notebook, writing beyond simple text, working toward mastery rather than the test, and striving for contribution rather than completion" (Albion, 2008).

Graham Attwell, Director at Pontydysgu, a Welsh educational research institute, identifies three aspects of dysfunction are evident in secondary schools which may also be applicable to higher education:

1. use of educational technologies in ways that limit the potential by replicating traditional forms of organization rather than adopting the networking and creativity that learners are likely to experience outside of formal education.
2. rigid focus on developing and assessing individual attainment in a world where networked activity is increasingly important.
3. assessing learning only against a narrow curriculum despite the variety of networked informal learning in which young people are engaged.

Attwell's prescription for reform is to "end the isolation of school from wider forms of community and knowledge sharing through such means as community learning centers, project-based learning, open educational resources, personal learning environments, mixed age learning, and assessment for learning as a tool for enhancing learning rather than assessment of learning as a final measure of outcomes. Many, if not most, of these reforms would benefit from the application of Social media tools and would equip learners to make more effective use of such tools" (Albion, 2008; Atwell, 2007).

As Smith & Casserly note, "we are aware that all creators of knowledge need a place to put their materials and that flow of knowledge should be multidirectional and adaptable to the local learning environment" (2006). UVU, along with other educational institutions, are at a point where we need to address Social media and what it means to education. At this point there are no clear-cut answers, but there is great need to start the conversations.

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