

# DRAFT



## Ethical and Legal Issues Regarding New Social Media and Pharmacy Education

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## Audience Demographics

- Public versus Private
- Faculty versus Administration
- Social Media: Literate versus Illiterate

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## Why?

- > 200 million Facebook users
- ~ 32 million Twitterers
- 5/11
- Mobility

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## Changing Social Dynamics

- Social communications
- Face-to-Face versus Online
- Private versus Public

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## Mediated Public

- Persistence
- Searchability
- Replicability
- Invisible Audience

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*“We can now easily know more about students than we ever cared to know before...*

*...and some of it isn't pretty”*

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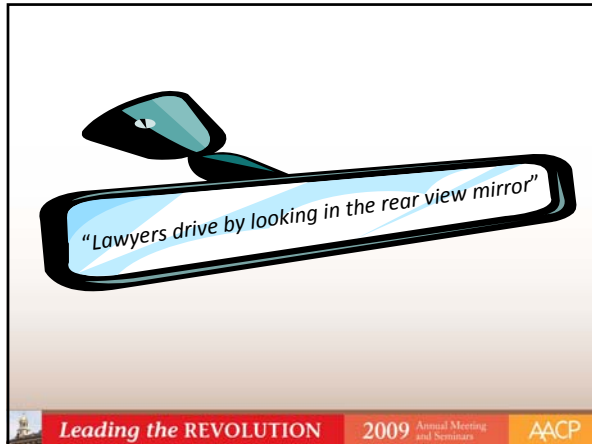
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### Primary Legal Issues

- Right to privacy
- Freedom of speech
- Defamation
- Duty of care

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### Yoder v. University of Louisville Nursing

- MySpace blog
- Dismissed – honor code violations
- Lawsuit – Free speech and due process

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## Snyder v. Millersville University

- Student teacher at Conestoga Valley High School
- “Drunken Pirate” ~ MySpace
- Not allowed to finish practicum
- Denied degree in education
- Lawsuit – First amendment violations
- District court ruled in favor of defendant



Picture courtesy of: <http://www.thesmokinggun.com/archive/years/2007/04/26/072pirate1.html>

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## Layshock v. Hermitage School District

- Fake MySpace profile of high school principal
- Suspended
- Lawsuit focused on free speech
- District court ruled in favor of plaintiff
- Appeals

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## J.S. v. Blue Mountain School District

- Fake MySpace profile
- Disciplined
- Lawsuit – First Amendment
- Court – lewd, vulgar, indecent; therefore not protected
- District court ruled in favor of defendant
- Appealed

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## Case 1

A student pharmacist (PY4) blog that discloses personal unprofessional “rants” about patients, doctors, and pharmacists has been reported to a faculty member.

What are the issues to consider?

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## Case 2

Director of Admissions is shown FB profile of a student that has multiple photographs, group memberships, and posts that many would consider lewd/obscene.

What are the issues to consider?

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## Case 3

Associate Dean presented with a FB profile of student pharmacist (PY2) containing “threats” to other students

What are the issues to consider?

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**Ethical questions**

Should school administrators and faculty view student social profiles:

- Out of curiosity?
- For admissions decisions?
- For disciplinary reasons?
- For educational purposes?

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**Ethical Questions**

If a student actively attempts to keep online personas private, should that information be used if brought forth by someone else?

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**Your turn**

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## Recommendations

- Educate
- Consult an attorney
- Check your honor codes
- Due process
- Consistent
- Stay abreast of this rapidly evolving area of law

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