

The *ProEthica*® Program

Case Study: Social Media and Comments About Students

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Case Study Purpose

This case is about a teacher who posted remarks that her young students are “future criminals.” The purpose of studying this case is to understand the possible consequences of posting on social media and to explore what local policies and *Model Code of Ethics for Educators* (MCEE) principles might guide an educator’s actions. You will analyze the situation, determine what professional principles are related to the case and conjecture possible tensions that educators have to grapple with during the decision-making process.

Case Summary

This section provides a summary of an actual case. Some of the information, including the teacher name and district, have been modified for this exploration. The information is separated into two parts: Part 1 — Educator’s Actions, and Part 2 — Consequences and Judgment, so that the educator’s actions can be explored without the knowing what the consequences were.

Part 1 — Educator’s Actions

Jasmine Johnson was employed by the Smithfield school system as a first grade teacher. In March, she posted two statements on social media that cast her students in a derogatory light, including referring to them as “future criminals.” The remarks gained widespread public attention, with a number of parents complaining about Ms. Johnson’s comments to the principal. The principal verified with Ms. Johnson that she had posted the statements before the situation was reported to the assistant superintendent. Ms. Johnson felt that the parents were overreacting and believed that she had a right to post what she thought in a private post.

Part 2 — Consequences and Judgment

Charges against Ms. Johnson for conduct unbecoming of a teacher were supported by the Superintendent, and Ms. Johnson was terminated. The charges were filed with the Acting Commissioner of Education, who referred the matter to the Office of Administrative Law (OAL) for a hearing.

The OAL rejected Ms. Johnson’s argument that her remarks were entitled to First Amendment protection on grounds that she had addressed a matter of public concern, i.e., student misconduct. Instead, the OAL found the remarks were “a personal expression” of dissatisfaction with her job. The OAL also concluded that even if Ms. Johnson’s speech was regarding a matter of public concern, her right to express her views was outweighed by school district’s need to operate its schools efficiently. The OAL stated that “in a public school setting thoughtless words can destroy the partnership between home and school that is essential to the mission of the schools.”

The OAL also found the evidence supporting the charges of conduct unbecoming a teacher because it showed Ms. Johnson failed to maintain a safe, caring, nurturing, educational environment. Additionally, the OAL determined that Ms. Johnson breached her duty as a professional teacher. Lastly, the OAL found Ms. Johnson’s conduct justified her removal because Ms. Johnson’s relationship with the school community had been irreparably damaged.

Ms. Johnson appealed the decision. A review panel concluded that her remarks did not constitute protected speech because they were personal statements motivated by her dissatisfaction with her job and the behavior of some her students. The panel also agreed that even if the remarks were on a matter of public concern, the district’s interest in the efficient operation of its schools outweighed her right to free speech.

The panel also found that the evidence supported the OAL’s determination that Ms. Johnson had engaged in conduct unbecoming a tenured teacher. It pointed out that both the OAL and the Commissioner found that by posting the comments, Johnson had demonstrated a lack of control “inimical to her role as a professional educator.”

Activities

1. Present the Educator’s Actions

Review Part 1 of the case summary to become familiar with the situation and what the educator did.

Discuss the situation and determine the following:

1. Which of the educator’s professional principles are at risk
2. What potential consequences does the educator face according to your state’s code of conduct
3. What MCEE principles could have guided the educator before she posted the statement
4. What circumstances of the situation (age of students, what the teacher taught, where posted) might have made it either less or more severe
5. What competing tensions might have contributed to the educator’s decision and actions

Your reaction to the educator’s action might range from “the teacher didn’t do anything that should put her at risk because she didn’t give specific student names and posted it on a site with limited viewership” to “the teacher violated professional principles.” Some of the MCEE principles that were at risk and could have guided her actions are:

- Principle I: Responsibility to the Profession (specifically, A2, A3, A5)
- Principle III: Responsibility to Students (specifically, A1, C1)
- Principle IV: Responsibility to School Community (specifically A2, C3, D3)
- Principle V: Responsible and Ethical Use of Technology (specifically A1, A5, B1, B2, B3)

2. Present the Consequences

Review Part 2 of the case summary. Discuss the consequences and your reactions. Were you surprised or do you agree with the consequence?

Describe other conditions where educators could easily find themselves in a similar position as the educator in the case.

What might you do as the educator’s colleague to help the educator make wiser decisions?

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