

The *ProEthica*® Program

Case Study: Social Media and Photographs of Teachers

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Contents

Case Study Purpose.....	3
Case Summary.....	3
Case 1: Part 1 — Educator’s Actions.....	3
Case 1: Part 2 — Consequences.....	3
Case 2: Part 1 — Educator’s Actions.....	4
Case 2: Part 2 — Consequences.....	4
Activities.....	5
1. Present the Educator’s Actions.....	5
2. Present the Consequences.....	5
3. Share the Cases.....	5

Case Study Purpose

This case study includes two different situations in which photographs of teachers were shared by others without the teacher’s permission. The purpose of studying these situations is to understand the possible consequences of one’s actions 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 situations, determine what professional principles are related to them, and conjecture possible tensions that educators have to grapple with during the decision-making process.

Case Summary

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

Case 1: Part 1 — Educator’s Actions

Lynda Stein, a teacher at Washington County High School (WCHS), left her phone on her desk while she was patrolling the hallways during a class change. A 16-year-old student took the unlocked phone from the teacher’s desk and opened her apps and then her photo gallery. The student took a photograph of a nude picture of the teacher and sent out the nude picture through text messages and social media.

The superintendent said the teacher was responsible because her phone was unlocked and she, therefore, made the nude picture available to her students. Stein said she took the picture to give to her husband. She said the student took the phone from her desk while she was patrolling the halls. Stein believes the student should be held responsible for his actions. She said the student knows right from wrong, “He had the ultimate decision to take pictures of my pictures and he had the ultimate decision to send them out.” She continued, “He had to hit my apps button and to open up all my apps and then open my gallery.”

The Washington County Sheriff’s Office is now investigating and will determine whether the student is charged.

Case 1: Part 2 — Consequences

The incident impacted the lives of many members of the community.

Lynda Stein, the teacher, was escorted off of the school campus and put on paid leave. She resigned from her teaching position and has said that she isn’t sure she would want her job back, if it was offered.

The student has been charged as a juvenile with distributing pictures of a teacher from the teacher’s cell phone. According to local law enforcement, the student was charged with computer crimes and aggravated voyeurism in the incident involving uploading the photos. The state’s Law Enforcement Division confirmed that the pictures that the teen took from the phone were stored in his phone in a pass code-protected file that contained other pictures that were sexual in nature.

The superintendent issued a commentary stating “It is truly unfortunate that a teacher charged with proper supervision and care of students failed to fulfill that responsibility in her classroom. Evidence indicates that Lynda Stein was not in her assigned position at the time of the incident. Evidence also indicates that she allowed students to use her personal cell phone on a regular and routine basis.

Evidence also indicates that the phone was routinely left on her desk for student use and was never locked.

“Ms. Stein has used the media to transmit false information obviously intended for the purpose of deflecting the incident totally to students. The evidence available, points to the extent of her false statements.”

“Her failure to supervise her students along with allowing students routine access to her personal cell phone constitute an evident unfitness for Ms. Stein to continue as a classroom teacher. We are not aware of charges that may be filed against Ms. Stein. We do know that her failure to properly supervise students entrusted to her care will negatively impact the lives of students and their parents.”

Over 11,000 signatures of students and others have been gathered on an online petition pushing for Ms. Stein to be reinstated.

Case 2: Part 1 — Educator’s Actions

Christina Sanchez, a World Languages high school teacher in the Mains school district, hosted a bachelorette party at her home for a fellow teacher. Photographs were taken at the party. One photo captured Sanchez and others with a male stripper. Sanchez’s face was the only one clearly identifiable in the photo with the stripper. The photo of Sanchez was posted on a social networking site by someone else at the party. Even though other teachers were known to be at the party, Sanchez’s photo got shared beyond the social networking site. She was confronted by the school principal when they returned to school on Monday.

Case 2: Part 2 — Consequences

The Mains school district suspended Christina Sanchez over a photo of her and a stripper posted on a social media site by someone else at the party. Sanchez was suspended without pay, because her face was the only one clearly identifiable in the pictures, but other teachers known to be at the party got letters of reprimand in their files that are still subject to a union grievance.

A legal director at the American Civil Liberties Union (ACLU) said there are no “bright line” cases that clearly define what circumstances allow employers to discipline workers for off-duty behavior that is documented on the Internet. “Nobody’s saying that public employers can never discipline their employees for what they do off the job,” he said. He also added that discipline is legal “only if they do something that substantially harms the employer or the employee’s ability to do their job.”

The U.S. Supreme Court, for example, upheld the firing of a police officer who sold a pornographic video on the Internet in which the officer appears in a nondescript police uniform. In a case more similar to Sanchez’s case, a teacher encouraged her students to visit her social networking page, on which the teacher touted how she got drunk on the weekend. That was deemed to be inappropriate. “In Sanchez’s case, she had nothing to do with these pictures going up. It’s all protected activity. It’s all innocent activity,” the legal director said. After the case was investigated and settled, it was determined that the school district would give both the ACLU and Sanchez \$5,000, in addition to her back pay greater than \$4,400. The school district acknowledged no wrongdoing.

Activities

1. Present the Educator's Actions

Review Part 1 of the case summaries to become familiar with the situation and what the educator and others 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 or local guidelines for educator behavior
3. What competing tensions might have contributed to the educator's actions

Your reaction to the educator's action might range from "the teacher didn't do anything that should put her at risk" to "the teacher violated professional principles."

2. Present the Consequences

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

3. Share the Cases

You may wish to discuss the fact that in both cases the teacher was in the photograph but did not share the photograph. The teachers were victims of electronic sharing done by others, yet, the teachers suffered the consequences and damage to their professional reputation.

Describe other conditions where an educator could easily find themselves in a similar position as the teachers in the cases. What can be done to prevent a similar situation?

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

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