

## Minimising risk from social media

By Matthew Kelly

**S**ocial media: fantastic tool or bane of people's lives? It is certainly true that social media is having a significant impact within institutions, in relation to dealing with potentially damaging comments being made about them on social networking sites that could affect their reputation as well as relying on social media evidence when dealing with workplace issues. Staff and students are now often making inappropriate comments about colleagues or fellow students on their Facebook pages, for example. How can institutions best protect themselves in this advanced form of internet web based communication?

The headlines are all too commonplace. Employees have found themselves dismissed for making derogatory comments on social networking sites and such cases only highlight the growing use and issues that are associated with social media. Recent headlines include teachers who were facing disciplinary action for calling students "thick and inbred" on Facebook. The first female registrar of the University of Durham also wrote on her blog that the reality of the relationship between registrar and Vice-Chancellor "often feels rather more like Kermit to Miss Piggy". She left her employment shortly after this although it was unclear whether her departure and the comments posted were linked.

Employers are increasingly being held vicariously liable for discrimination and bullying where inappropriate comments are posted by members of staff or students. It is all too easy to make an "off the cuff" comment on a blog about someone you work with or someone you teach. Individuals may also post or share confidential information online that could expose an organisation in some way. All publicity is not necessarily good publicity. Inappropriate comments made online could expose an institution to a loss of reputation. This could be in the form of comments made to disparage an organisation or individuals within it and in extreme cases could demonstrate a strong tendency of individuals to subject others to forms of bullying and harassment.

Internal investigation reports for both staff and students often now include documentation showing how social media has led to unprofessional behaviour and/or potentially gross misconduct and permanent exclusion scenarios. Advisers are becoming accustomed to disclosure bundles in internal and external hearings containing printouts from the Internet of potentially damaging material for those concerned and organisations themselves. Society may be hitting back at the so-called cyber-bullying movement but ultimately it still exists out there and institutions are facing regular exposure to its effects.

Institutions should have a clear social media policy for both staff and students. Prevention is often better than cure but such a policy is the best form of protection, which identifies clear boundaries on permitted use of social media, what is and is not allowed as well as a warning that comments made on social media sites should be treated as public, rather than private. If an institution wishes to discipline an employee, or a student, a policy (whilst not a panacea) is the best method of ensuring risk is minimised.



*Matthew Kelly*

***"If an institution wishes to discipline an employee, or a student, a policy (whilst not a panacea) is the best method of ensuring risk is minimised."***

*Matthew Kelly is a Partner and Education Specialist at leading law firm, Thomas Eggar LLP*

Copyright of Education Journal is the property of Education Publishing Worldwide Ltd and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.