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Parameters of Law in Student Affairs and Higher  
Education (CNS 670)

Counseling and Student Affairs

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12-9-2010

# Technology: How to Stay out of Court

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## Recommended Citation

Jozwiak, Erin; Thomas, Heather; Pillow, Jackie; and Taylor, George II, "Technology: How to Stay out of Court" (2010). *Parameters of Law in Student Affairs and Higher Education (CNS 670)*. Paper 9.  
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## **Disclaimer**

This guidebook is to provide general information and sample cases to regarding technology in higher education preventing an individual from any legal discrepancies that could arise in higher education. This guidebook also highlights issues of the definition and nuances of electronic communication, plagiarism, distance and web learning, as well as the purpose of technology in higher education. However, this guidebook should in no way be relied upon as legal advice for stakeholders as means to structure including legal information, legal advice and legal representation. Legal advice should always be sought to a certified legal authority and professional.

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## Glossary:

**Distance learning/Distance Education** - a teaching system consisting of video, audio, and written material designed for a person to use in studying a subject at home.

**Electronic communication** - means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system that affects interstate or foreign commerce.

**Electromagnetic** – Use of an electromagnetic wave to pass information between two points, also called wireless communication.

**Hacker** - a microcomputer user who attempts to gain unauthorized access to proprietary computer systems.

**Instant messaging** - a computer application which allows for communications in real time, a live chat and email service.

**Internet RSS feed** – Internet Rich Site Summary. A family of document types (generally based on RDF) for listing updates to a site. RSS documents (generally called "RSS feeds", "news feeds" or just "feeds") are readable with RSS readers (sometimes called "aggregators")

**Photo electronic** - Relating to or exhibiting to electrical effects upon exposure to light. For example, some photoelectric materials emit electrons called photoelectrons upon exposure to certain frequencies of light; others, such as photo resistors and phototransistors, change their electrical properties.

**Plagiarism** - the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work.

**Podcast/Podcaster** - an audio file similar to a radio broadcast, which can be downloaded and listened to on a computer, mp3 player, mobile phone, etc.

**Social networking** - the use of a website to connect with people who share personal or professional interests, place of origin, education at a particular school, etc.

**Text messaging** - communication by means of text messages sent from mobile phones.

**Computer viruses** - A program that enters a computer usually without the knowledge of the operator. Some viruses are mild and only cause messages to appear on the screen, but others are destructive and can wipe out the computer's memory or cause more severe damage.

## **Technology: How to Stay Out of Court**

### **Introduction**

It is hard to believe that over a century ago business professionals, educators, high school and college students were writing letters with a pen and ink, making telephone calls on a land line phone, and physically making home visits to family and friends. In today's society, texting has replaced phone calls, picture and video messaging has replaced face to face conversation, emails has replaced letter writing and social networking is changing the face of how electronic communication is viewed along and administered.

Electronic communication has led the way in this new millennium of communication and because technology is changing so rapidly, student affairs professionals must stay on top of what electronic communication is. And how electronic communication is relevant to students, our professions, to the university as well as the best way to understand what legal ramifications which may develop from it.

This guidebook will provide several subjects of technology involving technology: Electronic communication, plagiarism regarding electronic communication, distance and web learning as well as social networking, as well as the purpose of technology in higher education.

### **Electronic Communication**

#### **What Is Electronic Communication?**

“The definition of an "electronic communication appears in 18 U.S.C. § 2510(12). This form of communication was added to Title III by the 1986 Act to cover most forms of electronic communications existing today. It includes any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system. Moreover, because the 1994 Act specifically eliminated the exclusion from this definition the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit, such communications are now protected by the statute” (The United States Department of Justice, 2003).

Electronic communication is used for the transfer of data, images, signals, signs, etc. through cable, electromagnetic, radio, computer or electronic devices. With its growing popularity people have started communicating via email, land line telephone, cellular phone, fax, websites, instant messaging, web casts, web shares internet RSS feed, pod casts. Today, electronic communication continues to be a new tool but also providing new ways of communicating which is leading the way of how the America and global culture uses it. Below mentioned are advantages and disadvantages of electronic communication (United States Department of Justice, 2003).

### **Advantages/Disadvantages**

Probably the greatest advantage of electronic communication is the increase interaction between people and this includes faculty and students. Professors have traditionally limited interaction to class time, office hours, and those times when they are willing to make an

appointment, electronic communication allows for communication on a much more frequent basis (Buzzel.com-Intelligent Life on the Web, 2010). The benefit of electronic communication is that information can be shared to people via televised pictures, conversations, graphics, and interactive software. The interaction between people and those who live in different geographical locations have increased and have become promiscuous. The conversations are more visual and textual. This is helpful mainly for hearing impaired people. With electronic communication, the individual receives the message within a few seconds of the sender sending it. The recipient can read the message anytime, anywhere (Buzzel.com-Intelligent Life on the Web, 2010).

### **Disadvantages**

The main issue with electronic communication is privacy and security issues. The probability of an individual's computer being hacked and intruded on are high. This can have a poor effect on the computer system and the network. The volume of transmitted data is large and the transmission is fast. The speed with which the messages are transmitted often changes the structure of the messages, which at times can be misinterpreted. Electronic data can be duplicated identically without any proof of duplication. These messages can also be modified. At times, people can intentionally send malicious programs like viruses, worms and Trojans through emails, which is difficult to detect (Buzzel.com-Intelligent Life on the Web, 2010).

### **Court Cases**

In 1988, Robert Morris, a 23-year-old graduate student at Cornell University, released a virus of 99 lines of code and released them into the internet as an experiment. The virus

overloaded, and crashed computers nationally thus many administrators shut down their computers entirely in order to not spread the virus. In 1990, a federal judge sentenced Morris to 400 hours of community service and a \$10,000 fine (PC Magazine.com: Definition of the Morris Worm, 2008).

Another disadvantage of electronic communication is privacy issues. Information is sent from a computer network. These data packets have to pass through numerous routers and networks before it reaches its destination. So, there is a changed that a hacker or an intruder tampering with that information before it reaches its recipient (Buzzle.com: Intelligent Life on the Web, 2010).

### **Privacy Laws and Acts**

What privacy means, it's personal information that an individual deems important and unattainable by the general public like name, physical address, email address, online name, phone number, SSN, etc. The public sharing of private lives has led to a rethinking of our current conceptions of privacy and here are a few laws to be aware of (Duven & Timm, 2007).

#### **1. Children's Online Privacy Protection Act (COPPA).**

The Children's Online Privacy Protection Act, effective April 21, 2000, applies to the online collection of personal information from children under 13. The new rules spell out what a Web site operator must include in a privacy policy, when and how to seek verifiable consent from a parent and what responsibilities an operator has to protect (Children's Online Privacy Protection Act, 2003)

#### **2. Electronic Communication Privacy Act (ECPA).**



The Electronic Communications Privacy Act (ECPA) sets out the provisions for access, use, disclosure, interception and privacy protections of electronic communications. The law was enacted in 1986 and covers various forms of wire and electronic communications (America Online Legal Department: Electronic Communications Privacy Act, 2003).

**3. The Family Educational Rights and Privacy Act (FERPA).**

Is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the (U.S. Department of Education: Family Education Rights and Privacy Act, 2010)

**4. The Social Networking Privacy Act (SNPA).**

The California law, required operators of any internet website or online service that collected personally recognizable information's online about individuals residing in California who use or visit their services to only make sure their users were aware of their privacy policies. This policy had to explain in details what the site was about and how their personal information's were handled. The policy had to be written in a readable language and characters. The existing law also prohibited the disclosure of details such like driver's license and social security numbers. -

[www.helium.com/items/2014863-what-was-the-social-networking-privacy-act](http://www.helium.com/items/2014863-what-was-the-social-networking-privacy-act)

- 5. The Identity Theft and Assumption Deterrence Act (ITADA).** The ITADA was passed by Congress in 1998, [Section 1028 (a)(7)]. It penalizes those who engage in identity theft and allows courts to addresses restitution and relief for the victims. According to the act, identity theft is defined as follows:

*Whoever knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or otherwise promote, carry on, or facilitate any unlawful activity that constitutes a violation of federal law. Therefore, anyone who steals any name or number that may be used to identify a specific individual is committing a federal crime and may be forced to pay damages (Frontline: Computer Crime Laws, 2001).*

(Click [here](#) to review Western Kentucky University's policy on internet and email use)

## **Plagiarism**

### **Ways to Avoid Court:**

Research conducted by the Psychological Record represents that 36 percent of undergraduates are involved in some kind of plagiarism (Free Legal Advice Help). Also, surveys by prestigious institutes such as The Center for Academic Integrity have established that about 80 percent of college students have committed the act at least once in their lifetime (Free Legal Advice Help). One reason for the increase in this offense is that about 90 percent of the students have never been punished before. The school or college is not punishing these students at the right time and that makes them before very confident of getting away with it from here on out. Chapter three of the technology handbook will give the student affairs professionals some information on plagiarism and hopefully a clear definition and understanding of how to prevent it from happening.

### **Court Cases**

There are copyright laws out there that associated with plagiarism and hopefully will help prevent it as much as possible. A copyright owner has his/her own control to prohibit users from using a piece of work that was without the owner's permission. A copyright owner has the rights to control the distribution of their work, reproduction of their work, adaptation of their work, public performance of their work, and public display of their work (Nova, 2009).

The best way to avoid plagiarism is learning how to cite your sources. Providing the correct references for the sources leads to credibility to your work and provides where you found your information, which is what citation is. Each citation should include the author, title, and source. Having these three things will help the reader find where the information came from.

Back in 1982, Gabrielle Napolitano, a senior at Princeton University, plagiarized most of her 12-page term paper. She used most of her paper from a book in the library and she did end up citing the book in five footnotes, but she did not include citations in the text. Her professor happened to be very familiar with the book and realized it was plagiarized very quickly. Princeton's University Committee recommended punishment of delaying her bachelor's degree for one year (Standler, 2010).

### **What is it and How Does it Happen?**

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas or work. The terms "copying" and "borrowing" are two words used to forget about the seriousness of this offense.

According to the Merriam-Webster online dictionary, the word Plagiarize means:

- 1.) To steal and pass off (the idea's or words of another) as one's own.
- 2.) To use (another's production) without crediting the source.
- 3.) To commit literary theft.
- 4.) To present as new and original an idea or product derived from an existing source.

This definition makes it very clear on what plagiarism really is. Although, the simplest definition to remember is that it's anything that is not your own that you pass off as being your own.

There are a few educational tips on how to prevent plagiarism. First, become aware of the reasons plagiarism occurs. Secondly, identify the different forms of plagiarism. Lastly, integrate plagiarism prevention techniques into your course. These tips are something everyone should take seriously when trying to write a paper.

### **Why Students Plagiarize**

1. Most of the time students get distracted and deadlines come around rather quickly than expected. Also, if not explained well enough the boundaries of plagiarism becomes confusing and sometimes frustrated to have to deal with.
2. Most students think that plagiarizing is the easiest way out and they think that they may not get caught so they do it so they don't have to hassle with actually typing a paper.
3. **Intentional Plagiarism:** Most students like to test their professors and see if they can sneak a plagiarized paper past them. A lot of students feel that if their assignment has no meaning and feels as if it's just "busy" work they feel the need to want to plagiarize to get it done quickly.

4. **Unintentional Plagiarism:** Is described as “the accidental appropriation of the ideas and materials of others due to a lack of understanding of the conventions of citation and documentation” (Washington State University).

## How to Prevent It

### **Explain why plagiarism is wrong:**

1. Always explain to your students that plagiarism is illegal.
2. Also, make sure your students get a clear understanding of the seriousness when dealing with plagiarism, so they can make sure they are not guilty of that action (iParadigms, 2009).

### **Explain what plagiarism means:**

3. Most students will argue that they already know what plagiarism means, but it doesn't hurt to explain to your students, what it is again.
4. Repeating it to the students is the best way for them to obtain the information (iParadigms, 2009).

### **Make consequences precise and clear:**

5. Inform your students of the actual schools policy on plagiarism. If it applies let the student be aware of the academic punishments.
6. Most importantly the legal punishments for this type of act (iParadigms, 2009).

### **Caution:**

Encourage students to use caution as much as possible. Most students end up plagiarizing when trying to meet the appropriate deadline for their papers. Just encourage them to take their time and take this seriously (iParadigms, 2009).

### **Consequences**

One of the major consequences of plagiarism is basically just hurting you when doing it. You not only have the consequences that your school or college gives you, but you are also hurting yourself in the long run. If all you know is copying work you won't ever catch on to that fact that good writing is a skill that needs practice.

In conclusion, plagiarism is something that is still going on today all around the world. Plagiarism is a very serious problem, but there are easy ways around it. So, as Student Affairs professionals should always be aware of plagiarism and they should do their best at teaching their students about it and reminding them of how serious it really is. Student Affairs professionals are always dealing with students so they need to learn how to quickly identify plagiarism in papers.

### **Distance Learning**

The use of distance learning, the delivery of instruction that involves the "separation of student(s) and the instructor by time and/or space," (Florida, 2008), has increased exponentially in the past two decades. With this use of innovative technology, students who may not have been able to obtain a degree due to working full time, raising a family, disabilities, etc. are now afforded the opportunity to improve their skills and further their

education. However, there are many things for administrators to consider when dealing with distance learning. This paper will go into copyright laws and support services necessary for faculty and student.

### **Don't Be a "Copycat"! Know the Laws!**

It is very important for faculty and staff to be aware of the legal ramifications of distance learning, especially in the realm of copyright laws. Gaining knowledge on the laws surrounding this can help create the best policies to keep institutions and instructors out of trouble. In creating curriculum it is necessary to have a variety of teaching materials, however almost all of those materials have some sort of copyright protection when implemented in a virtual classroom. As such, copyright policies need to be adjusted "to enable the conversion of existing materials into electronic media," (Wright, 2009, p. 4). We will provide information on one law regarding copyright and technology, but it is imperative that you be aware of others as well.

The ***Technology, Education and Copyright Harmonization Act (TEACH Act, 2002)*** provides a balance between "protecting copyrighted works and permitting educators to use those materials in distance education," (Crews, 2003, p. 36). This act has repeals the earlier version of Section 110(2) and offers an expansion of works allowed, an expansion of receiving locations and the digitization of analog works, (Crews, 2003).

However, there are many requirements that this act specifies and are important to understand when applying this act. Some of the most notable ones are as followed and a complete checklist can be found in Appendix A.

- Policies, information resources and notifications about copyright are implemented. Materials on copyright must “accurately describe and promote compliance with, the laws of the United States relating to copyright...and must be provided to faculty, students and relevant staff members,” (Crews, 2003, p. 37).
- Institutions provide the copyrighted information and documents ONLY to those students enrolled in the specific class and ONLY for the duration of the class, (Crews, 2003).
- Instructors adhere to policies to ensure that they are “in charge of the uses of copyrighted works and that the materials serve educational pursuits,” (Crews, 2003, p. 38).

Because the TEACH Act cannot provide protection against everything, it is important to understand the use of the ***Fair Use Doctrine***. This doctrine can be used in defense should an institution fall under attack of allegedly violating copyright laws; though it is open for interpretation, it’s flexibility is its greatest strength. “It allows, in a limited manner, use of copyrighted protected materials in items for purposes of parody, news reports, comedic acts, research and education,” (Diotalevi,1999 , p. 6). Four factors are taken under consideration when determining if this applies: 1) The purpose and character of the use, 2) The nature of the copyrighted work, 3) The amount and substantiality of the portion used, and 4) The effect of the use upon the potential market (Diotalevi, 1999, p. 7). A checklist on how to apply these factors can be found through the Columbia University Libraries/Information Services Copyright Advisory Office at: <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/>.



## Support

It is important to provide the same student support services in the distance learning environment as compared to the traditional environment. These services include, but are not limited to: admissions, financial aid, career services and advising. When developing appropriate services, it is important to keep in mind the needs of these students as they may be different than the students who attend face-to-face. Due to the lack of interaction with other students, faculty and staff, distance learners can feel isolated and left to their own devices, unsure of what to do (Kretovics). Based on my own interpretation of the law, failure to provide equal services to distance learners could be in violation of the 14<sup>th</sup> Amendment and the Equal Protection Clause which states that the law must be applied equally to all people/groups of people.

So, what can Student Affairs professionals do? To reduce the feelings of isolation, it is important to create a sense of community to these students just as there is one for the traditional student learning environment. This can be done by:

- Encouraging study groups,
- Providing student directories (with permission), and
- Including off-campus students in institutional publications and events (Western, 2002).

According to Floyd and Casey-Powell (2004), a systematic and inclusive approach should be implemented that consists of five phases geared toward all students, but can be reframed to fit the needs of distance learners. This process will provide support to all stages of the college process:

- **Learner Intake Phase:** Goal setting, admissions, registration, orientation, intake assessment and advising, financial aid, homepage support,
- **Learner Intervention Phase:** Instruction, faculty advising, help desk support, student success programs,
- **Learner Support Phase:** Environmental management, fostering sense of belonging, counseling, academic advising, instructional support, tutoring, library services, disability services,
- **Learner Transition Phase:** Goal reassessment, transfer articulation, job placement, and
- **Measurement Phase:** Course effectiveness, retention and persistence, graduation rates, goal achievement.

In order to receive the best results from this approach, it is imperative for all Student Affairs units to collaborate as well as obtain and provide faculty and staff with professional development and in-service training. This training should not only provide tips and tools on how to best deal with the different needs and concerns that face distance learners, but also up to date information on the technology needed for this type of program (Floyd, 2004).

Examples of institutions providing resources for faculty and students are as follows:

- The Technology Services for Online Teaching at Western Kentucky University provides quality resources for instructors as well as students to obtain information on technological support. This can be found at:  
<<http://www.wku.edu/tsonline/facultySupport.html>>.

- New Mexico State University offers comprehensive professional development opportunities for faculty. These can be found at <http://distance.nmsu.edu/faculty/index.html>.

## **Purpose of Electronic Communication in Higher Education**

Today's young college students have grown up in a world filled with modern technology. Classrooms are circulated with the latest top-of-the-line musical and communication devices such as laptops, smart phones iPods and iPads. Higher Education is reshaped by technology through the use of computer technology and telecommunications. Technology has provided students with the opportunity to create their own success and sometimes failure.

Higher education has tried to take technology and incorporate it into the curriculum with its underlining motivation being accessibility. For some, technology is seen as a foreign experiment while others view it as a possible tool to enhance the learning process. When the "Information Super Highway" first began, the internet had its limitations to what it could do and who had access to it. Today, almost everyone has been exposed to the internet and has integrated it into their lives.

In higher education technology has transformed college and university campuses with resources such as e-mail, the internet, web pages, fax machines, high tech classroom etc., and meanwhile modern technology has changed the concept of a traditional institution. It is no longer a physical place with classrooms and residence halls; it can be an office at work, a room

in your home, or just a quiet place. With the rapid changes in technology, education can be received where ever a student may be.

### **Communication**

In colleges and universities, technology is implemented in the most basic way - communication. The main source of communication is through e-mail. It is used as a means of correspondence between professors, staff, administrators and students. There are other important reasons to have an e-mail account also such as campus alerts, notification of severe weather and campus evacuations to name a few. The university or college provides students access to e-mail which is deemed an important privilege. According to the IT website, WKU students do not get an email account upon admission to the university; they must register for classes first. All official communication with students are via e-mail. A student should not allow not checking their student e-mail account to be a reason for low academic performance (Western Kentucky University Information Technology Division, (2009).

### **Research**

Many critical procedures can be carried out with ease and efficiency with the help of modern technology. Research is the number one reason to use the internet in education. It enhances the learning process. The web provides students with an abundance of information that is available to them. There are times when finding material may not be easy especially when looking for complex subject matter. Searching the internet for sources to support work can be a straightforward process by using a search engine to gather many results. However, one must determine whether the information is dependable.

## **Academics**

Electronic communications has touched all areas of higher education, especially academics. New technologies have entered the classroom and have made drastic changes. Traditionally, professors enter the classroom to lecture and discuss the topic of the day. But due to the advancement in technology educators have become creative and have implemented iTunes U, smart boards and you tube as part of their curriculum. Instructors are using these technologies to accompany their course materials and to support new ways of learning.

Through the transformation, classrooms have become interactive learning environments where students are more engaged. There are those who believe that computers, especially web-based resources, can disseminate basic information more efficiently and more cost effectively than human beings can. Farrington recommends that instructors use the web to do what it can do well. This includes presenting information to students in a variety of formats, twenty-four hours per day. Students can access course material when it is most convenient for them and return to it as often as they need to achieve basic comprehension, competence, or mastery (Farrington, (1999). There are several who would agree that they require face-to-face interaction to be successful in the classroom, and there are those who only need the information disseminated to them to be successful outside the classroom (Farrington, (1999).

Online classes and distance learning have given higher education a new look. Today, physical present in the classroom is not required to take college courses. This technology gives the participant flexibility to integrate college with their personal life. A student can receive and submit homework and test through the internet. Students can also interact with their instructors over the web. Upon completion of necessary courses, a degree can be earned. As

good as this technology sounds, there are possible obstacles such as (1) faculty are reluctant to embrace the new technologies for the fear of losing their place in the traditional teaching ram; (2) the cost of the technology; and (3) limited support to learning how to take advantage of the technology (Green, (1999).

### **Social Networking**

Social networking mainly focuses upon building online communities for people that share common interests and activities. There are hundreds of sites that fall into this category such as Facebook, MySpace, Flickr, Hi5, Classmates.com, Plaxo, Twitter, and LinkedIn to name a few. Most social networking sites communicate through chatrooms, e-mails and instant messaging. These sites are where people meet for romance, friendship and/or professional networking. For many, social networking sites have become a major part of their everyday life.

The concept of social networking has been around forever, but what exactly does it mean to students today? According to Pempek, Yermolayeva & Calvert (2009), "Social networks are member-based Internet communities that allow users to post profile information, such as a username and photograph, and to communicate with others in innovative ways such as sending public or private online messages or sharing photos online". Sites such as Myspace, Facebook, and LinkedIn have exploded since 2003 and have changed the way people communicate with each other.

A study conducted by Ridings and Gefen in 2004 found that students use social networking for four main reasons: information exchange, social support exchange, friendship

and recreation (Hayes, 2009). It has been noted that there are many benefits for students using these sites for these reasons. Students can feel a sense of community and belonging before even stepping foot onto campus. By adding their college or university to their page allows them to search for others in their same dorm, graduation year, etc. Being able to form friendships beforehand can help decrease anxiety that is created by new social settings and helps with the transition. Students can also use these sites to help find support services on campus without feeling like they are being judged (Ebherhardt, 2007). However, along with the good always comes the bad. Some negative effects of social networking include: safety issues and cyber stalking, possible isolation for those who don't use these sites and/or those who use these sites too much rather than trying to build relationships in real life and it can also cause judicial concerns if students post pictures and or comments that don't represent themselves favorably (Ebherhardt, 2007).

Why do educators and administrators need to be aware of social networking? "In order for professionals to support student learning and education effectively and create intellectual communities for students, they need an understanding of the student culture and the means for communicating," (Timm & Duven, 2008). It is important to know what students are doing in order to create and implement policies and programs in the hopes to prevent misuse and to protect the students as well as the college or university.

Social networking sites are becoming more popular every day. Students are not using sites such as Facebook and MySpace for their intended use to locate friends and class mates. These sites are being used to share their personal lives - drunken party pictures, disagreements, and personal issues. It is obvious that there are negatives connotations associated with these sites.

The biggest and most prominent of the negatives is the loss of personal privacy. When individuals feel that they have nothing to hide and are ok sharing their personal business they truly have no privacy and another problem would be forming an addiction to these sites.

There are those who go online and spend several hours a day chatting with their friends. Social networking sites are not all bad, so use common sense when others tag you in photos and write tag lines under them. In case you do not know, possible employers will check these sites to see if you are on them and if so, what type of person you are when you are not on the job. Many people have not received interviews for that very reason (SEO White Hats (2009)). Being in a technical driven society, it is extremely important to become familiar with new technologies that have made a difference to our daily life. Electronic communication has made our lives extremely accessible. However, every change has its adversities associated with it. We cannot enjoy technology if we do not accept the negatives. Nevertheless, technology has not only reshaped higher education, but life in general.



## Appendix A:

### **Basic TEACH Checklist: For Institutional Users Faculty, Staff, and Students - Requirement Complies**

1. Accredited nonprofit educational institution
2. Institutional copyright use policy
3. Educational materials on copyright available
4. Work is not a digital educational work
5. Work is lawfully made and acquired
6. Work is integral to class session
7. Work is part of systematic mediated instructional activities
8. Work is directly related/material assistance to teaching
9. Work is (check one):
  - Nondramatic literary work (may use all)
  - Nondramatic musical work (may use all)
  - Reasonable and limited portion of any other work (for a performance) *or*
  - Display of any work in amount analogous to live classroom setting
10. Reception limited to students enrolled in course
11. Reasonable downstream controls instituted
  - No retention of work longer than class session
  - No dissemination beyond recipient
12. For conversions of analog to digital
  - No digital version available to institution
  - Digital version available is technologically protected
13. Warning notice to students present on work

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