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## A QUALITATIVE STUDY OF WOODLAND COUNTY PUBLIC SCHOOLS' SOCIAL MEDIA POLICY FOR EMPLOYEES: ITS DEVELOPMENT, INTERPRETATION, AND SIGNIFICANCE

Greenlee B. Naughton  
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A QUALITATIVE STUDY OF WOODLAND COUNTY PUBLIC SCHOOLS' SOCIAL  
MEDIA POLICY FOR EMPLOYEES: ITS DEVELOPMENT, INTERPRETATION, AND  
SIGNIFICANCE

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of  
Philosophy at Virginia Commonwealth University.

by

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## Abstract

### A QUALITATIVE STUDY OF WOODLAND COUNTY PUBLIC SCHOOLS' SOCIAL MEDIA POLICY FOR EMPLOYEES: ITS DEVELOPMENT, INTERPRETATION, AND SIGNIFICANCE

By Greenlee Buchanan Naughton, Ph.D.

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy at Virginia Commonwealth University.

Virginia Commonwealth University, 2016

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The popularity of social networking sites on the World Wide Web has exploded during the past two decades. As more and more K-12 public school teachers choose to actively participate on social networking sites, school leaders and school boards face the increasingly difficult decision about whether or not to enact policies which will enable them to discipline teachers for their online behavior. The purpose of this qualitative case study was to explore the development, interpretation, and significance of one such policy. The research questions focused on the contextual factors which led to this particular policy's creation, the extent to which this policy has been interpreted, and the use of "the crime of moral turpitude" clause, commonly found in public school teacher contracts, to regulate teacher online behavior. Comparative historical analysis and interpretive policy analysis research methods were used to examine data collected through document review and recorded interviews. The results of this study disclosed the firing

of a teacher from this particular division for off-duty conduct transmitted through social media and the forewarnings of a hired consultant who urged the creation of more thorough human resources policies. In addition, the analysis of the actual wording of the policy revealed that the aim of this particular policy is to restrict and prohibit inappropriate behavior on the Internet by school employees. Implications of the study, recommendations for further research, and final thoughts are also included.

## CHAPTER ONE: INTRODUCTION

In 2004, my family and I relocated to Virginia and, perhaps more significantly, I returned to working in a public high school after having lived in Charlotte, NC and having taught in a private, parochial school for the previous ten years. Almost immediately after unpacking and setting up my new classroom, I was surprised by not only the number of state-mandated tests that students in Virginia students were required to take, but I was also shocked by the curricular restrictions my employing county imposed on teachers. I had never needed to have supplemental materials approved by an administrator before: no one in North Carolina had questioned my judgment about what was appropriate to teach my students or to complement the sometimes dry offerings of the outdated English textbook. Looking back now, I believe it was then that had the first inkling that I was not in Kansas – or Charlotte – any more. It began to occur to me that I was working in an area where teacher behavior was more closely regulated both in and out the classroom than I had been used to.

My suspicions were further confirmed in December of 2006, when John Smith, a Woodland County Public Schools' high school art teacher, was placed on leave and subsequently fired after it was revealed, via internet videos, that he worked a second job as a Groucho-Marx-glasses-and-thong-wearing painter who used his buttocks and other body parts as “organic” paintbrushes. Smith, who filed suit and eventually settled out of court for \$65,000 from his former school division, became the subject of numerous national news stories and was publicly

supported by the ACLU of Virginia, whose Legal Director, Rebecca K. Glenberg noted that “[t]he fact that some administrators were offended by [John Smith’s] speech did not give them the right to fire him” (“Fired Art Teacher”, 2008).

In early 2008, a couple of weeks after the John Smith case was settled and began fading from the headlines, I agreed to supervise a student teacher from a local university. Upon hearing this, a fellow teacher suggested that, in addition to covering the standard classroom procedures, I should ask if my student teacher had a Facebook or MySpace account, and if so, I should advise her to delete it immediately, lest some student or parent discover its existence. My co-worker went on to explain that she’d read about a student teacher in Pennsylvania who had been terminated from a teacher preparation program at her college because of some photos she had posted on her MySpace “wall.” I dismissed my colleague’s advice; at that time, I had no clear understanding of what Facebook or MySpace was, and as long as she conducted herself appropriately in person and in the school building, I wasn’t exactly sure if it was my place to tell a 21-year old what she could or couldn’t do online and after hours.

I had loosely followed the John Smith case when it was the lead story on the local news, and although my student teacher successfully completed her internship without incident, it wasn’t until the following summer when I attended a professional development session on teacher online conduct, presented by members of the my school division’s human resources staff, that I began to understand that school divisions were indeed wrestling with the issue my co-worker and I had discussed months earlier. Interestingly, the infamous “Drunken Pirate” case involving Stacy Snyder, the Millersville University of Pennsylvania student teacher my colleague had mentioned, was among a half-dozen or so stories that the workshop presenters shared. Each example that was discussed involved a tenured teacher, substitute teacher, or a

student teacher who had posted something deemed inappropriate by administrators on a website or blog and been subsequently rebuked for their actions, with reprimands ranging from suspensions to terminations. It was clear from this presentation that the Internet, or more specifically, the almost instantaneous ability to share personal pictures and written comments electronically with virtually anyone, at anytime of day or night, was eroding the boundary between teachers' private behavior and their public personas, and that school boards were becoming increasingly concerned. That particular professional development session ended with an ominous warning that a new policy about teacher participation on social media sites would be forthcoming.

### **Background for the Study**

In addition to my personal experiences noted above, the historical record supports the idea that since the inception of America's public schools, virtually all school boards have subscribed to the belief that teachers must serve as exemplary role models for their students. In order to ensure that any teacher behavior could be considered above reproach, early school boards frequently sought to prescribe virtually every aspect of teachers' public and private lives. Only 50 years ago, teachers were required to "promise to abstain from dancing...promise not to fall in love, to become engaged or secretly married...and to sleep at least eight hours" a night (Fischer, Schimmel & Stellman, 2003). Additional contractual guidelines from 1915 went so far as to warn teachers against dyeing their hair or being seen in the company of men (Ramsey, 2006).

Such prohibitive stipulations regulating both teacher in-class and out-of-school behavior have waned throughout the years, as school boards have increasingly come to recognize, often because of landmark legal decisions from the 1960s such as the *Tinker v. Des Moines*

*Community School District* case, that teachers (and students, for that matter) do not shed their Constitutionally-guaranteed rights when they enter the schoolhouse gate. An additional important court decision, this one dealing with teachers' First Amendment rights, *Pickering v. Board of Education of Township High School District 205*, was decided over four decades ago, and affirms teachers' rights to speak out on matters of public interest, even if their comments disparage their employers. Additionally, according to Wohl (2009), the 2007 decision in *Morse v. Frederick*, more commonly referred to as the "Bong Hits 4 Jesus" case, in which the court upheld a student's punishment for speech that occurred separate from official school grounds, may have a lasting impact on teacher freedom of expression because the ruling obviously suggests that the "line between in-school or in-class communication and out-of-school communications is becoming increasingly less clear."

Social networking sites, such as Facebook, MySpace, Twitter, and Instagram, have become increasingly fashionable stops on the World Wide Web for both teenagers and adults. By allowing users to "create a profile page and forge online links with friends and acquaintances" (Stone, 2009), Facebook and MySpace, the largest of sites of their kind, have also become a massive repository of personal information and unmitigated public dialogue, where close associates and strangers are sometimes equally privy to one's uncensored musings, latest vacation pictures, and relationship updates. Even when privacy options controlled by members are utilized, limited pieces of information about a person, particularly one's name and selected profile picture, are still visible to virtually any seeker.

By most standards, Internet-based social-networking sites are a rapidly-growing, mainstream phenomena that continue to attract members at an astounding pace. To put this issue in perspective, Facebook, for example, which was started in 2004 by Harvard sophomore Mark

Zuckerburg, as of its 10<sup>th</sup> anniversary in February of 2014, boasted 1.23 billion users worldwide (theguardian.com, 2014). Even though it has lost its initial popularity, as of January, 2015, MySpace still reportedly attracts 50 million users a month (*The Wall Street Journal*, 2015), while Instagram, Twitter, and popular blogging site, Tumblr, currently have active accounts numbering over 300 million users, 284 million users, and 230 million users, respectively (www.statista.com, 2015). In his 2010 study of social-networking use among older adults, Madden established that 61% of Americans participate on one or more social-networking sites. It is, therefore, highly likely that many thousands, if not millions, of our nation's public school students and teachers are account holders at one or more of these social-networking entities. Ewbank, Carter, and Foulger (2008) assert that as more and more young teachers enter the profession and social-networking continues to gain in popularity among older adults, record numbers of teachers will belong to *multiple* social-networking sites. In further support of this claim, in his 2012 study, Andrews found that "there is a critical mass of K-12 educators who use social media; some use social media to a great degree."

The ways in which teachers regard and use social networking sites vary significantly. Some secondary teachers, particularly those who also serve as club sponsors or coaches, readily admit to using social-networking sites as a venue for communication with students, allowing them access to their profile pages so that students can be reminded of meetings, practice, and homework assignments (Ewbank, Carter, & Foulger, 2008). Other teacher-users participate in social networking sites primarily for personal reasons, citing the ability to keep in frequent contact with family and friends as their most common explanation for maintaining memberships. Additional motives for actively participating in social-networking include: promoting side businesses, joining philanthropic and professional organizations, and learning about potential job



openings. Many teacher-users, even those new to the profession, state that they utilize the strict privacy settings offered by the social-networking sites and have no intention of ever granting present, future, or former students access to their profile pages, a practice known as “friending” (Kist, 2008).

### **Purpose of the Study and Research Questions**

Because teachers have long been considered as role models, whose actions in and out of the classroom must be above reproach, their behavior has been monitored, scrutinized, and regulated over time, but technological advancements have significantly changed the landscape of what constitutes proper conduct and how to oversee it. The explosion of social networking technology has resulted in the emergence of previously unanticipated conflicts among public school teachers who are active participants on popular social networking sites and their employing school boards. A smattering of school boards throughout the country, and one state legislature (Missouri, in 2011), have created and implemented district or division-level policies that address online interaction between teachers and students (Akiti, 2012); however, some school administrators admittedly tend to rely on state administrative codes, which typically address overall teacher conduct and professionalism, to discipline teachers for unsuitable online conduct. In the state of Virginia, for example, the “crime of moral turpitude” clause found in Section 22 of the Code of Virginia is frequently copied word-for-word and inserted into local school board contracts as a catch-all for teacher dismissals that deal with questionable teacher behaviors.

Considering that teachers in this particular geographical area of the country are not unionized, and that a culture of curricular restrictions already exists in some local divisions, it is surprising that, in conducting a preliminary review of school board policies in Woodland and the

surrounding three counties, only two of the four public school divisions were found to have policies that directly attempt to regulate teacher participation on social-networking sites. Of the two divisions, only one – Woodland County – has developed and adopted a policy that directly and specifically addresses school employees’ online behavior on their personal social networking sites while they are on their own time.

The purpose of this study was three-fold. First, it sought to explore and understand the underlying reasons for Woodland Public Schools’ development of their “Use of Social Media Networking Sites by WCPS Employees” policy, which was adopted by the Woodland County Public School Board on June 26, 2012. Secondly, this study attempted to examine to what extent this school division has applied the policy and to what extent the policy has been revised since its initial inception. In this region, Woodland County Public Schools’ social media policy is the only one of its kind in terms of detail and breadth; therefore, determining the impetus for its development and understanding how it has been interpreted and implemented thus far could prove valuable to a variety of stakeholders across the region and country, especially teachers and school administrators in the immediate geographical area. In addition, this study attempted to determine if and to what extent historical understandings of proper teacher behavior and/or conceptions of moral turpitude might have influenced the development, interpretation, and implementation of the new policy. The specific findings of this study have the potential to significantly impact the political landscape since school board policy makers are dually charged with the task of keeping schools distraction-free while ensuring the rights of school employees. Thus, this study sought to answer the following research questions:

- 1. What contextual factors led to the creation of Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy?**
- 2. How has the Woodland County Public Schools’ “Use of Social Networking Sites**

**by WCPS Employees” policy been interpreted and has this policy been applied and/or revised since its initial inception?**

- 3. To what extent has Woodland County Public Schools used the “crime of moral turpitude” clause found in Section 22.1 of the Code of Virginia to regulate teacher behavior generally and/or teacher behavior online specifically?**

The purpose of the first research question was to better understand how and why only one community in a large, metro region came to define a problem and act on it. What were the historical, cultural, and political events that led to the policy’s development and adoption? Was there a watershed moment that led to its creation? Who were the policy actors involved?

The purpose of the second research question was to discover and describe how this particular community developed new policy related to teachers’ electronic communications, and how this new policy was being applied. Has this policy undergone modifications since its initial introduction or June 2012 adoption? If so, how? If not, why not? Have any infractions been recorded? If so, what was the nature of those infractions, and how were they handled?

The purpose of the third research question was to determine the extent to which conceptions of morality have guided the development and implementation of social networking policy for practicing teachers. How do policy actors convey their understandings of proper teacher behavior? How often and to what extent do policy actors refer to the “crime of moral turpitude” clause? How do policy actors define moral turpitude?

Additional discussion ponders how historical understandings of moral turpitude may influence present-day interpretations of appropriate teacher behavior and how conceptions of “moral turpitude” may have changed over time, especially with the advent of new technologies. Further, there is consideration of how future understandings of moral turpitude and boundaries between the political, professional, and personal may continue to evolve.

## **Overview of Study Context**

As stated prior, initial research of the central region found that Woodland County Public Schools (WCPS) was one of two local divisions that had a formal policy on teacher online behavior, with WCPS having the most in-depth and detailed policy of the two. WCPS is a large suburban school division located in the central part of the state that has 7,119 full and part-time employees (VDOE, 2014). Data was collected from primary and secondary sources including Woodland County Public Schools' Board meeting minutes, Woodland County Public Schools' publications, newspaper articles, court proceedings, e-mails, and letters. In addition, I interviewed major policy actors; however, because of Internal Review Board approval constraints, additional interviews with stakeholders such as WCPS administrators, teachers, and parents could not be held.

## **Overview of Research Design**

I conducted this qualitative case study using both comparative historical analysis and interpretive policy analysis processes. Mahoney and Rueschmeyer (2003) explain that comparative historical analysis is concerned with understanding the causes and context behind an important outcome. Accordingly, this research method is centered on the inquiry of sequential events on a micro-level; the questions generated then formulate "important puzzles" that frequently lead to further investigation of similar situations. Comparative historical analysis was used to contextualize the creation and implementation of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy. It was used to explore the use of the "crimes of moral turpitude" clauses typically found in public school division contracts.

Interpretive policy analysis, according to Yanow (2000), is concerned with the multiple understandings of a single policy by all policy-relevant stakeholders. These meanings are

constructed through the examination of prior knowledge, as well as the symbolic language found in policy artifacts such as documents and the stories of the policy makers. Thus, in addition to examining policy artifacts, my conversational interviews with key policy actors generated narratives which I then analyzed.

### **Definitions of Key Terms**

First, in numerous places throughout the dissertation, I use the term, “discourse.” For the purposes of this study, discourse refers to different vehicles of communication such as written policy directives and oral conversation between people. While I interpretively analyze various forms of discourse, this study should not be confused with the specific methodology of discourse analysis. The way I define discourse aligns with Yanow’s (2000) model for interpretive policy analysis that seeks to access local knowledge by identifying and talking with interpretive communities as well as engaging with the policy artifacts that inform communications between policy players.

Next, the term, *social networking site*, *social media*, or *social media technology* as intended throughout this prospectus, means an internet-based website database where registered members can post profiles or pages that contain contact information, educational background, employment history, photographs, and personal commentary. Members on these sites can also create groups for people who share their interests, invite other members to join causes, and issue mass invitations to events. Current major social networking sites include Facebook, Instagram, and Twitter; the use of MySpace by both teens and adults has somewhat diminished during the last five years. *Teacher participation on social networking sites* refers to public school teachers who have willingly created profiles or pages that display varying degrees of truthful, personal information about themselves on one of the major Internet-based social networking sites.

*Unrestricted profile or page* designates that privacy controls limiting access to the user's social networking profile or page have not been utilized; therefore, the entire contents of the profile or page can be viewed by anyone with an active Facebook or MySpace account. Conversely, the term *restricted profile* or *restricted page* is used to suggest that the profile or page creator has enacted varying degrees of privacy controls to limit access to his or her information.

The expression *friending* means purposefully giving someone limited or unlimited access to one's social networking profile or page. *Friends*, in this context, refer to a group of people that a profile or page creator has specifically given permission to view and post comments on his or her page. For purposes of this study, *posting* means the act of typing personal commentary on one's own wall, or responding to commentary posted by one's friends on their own walls, or linking personal pictures, with or without comments, to one's social networking profile or page. Additionally, one's *social networking wall* is defined as a listing of viewable posts, organized by date and time, made by the profile or page's creator, as well as subsequent responses or comments made by others who have been granted access to that person's profile or page.

*Moral turpitude*, according to the General Provisions of Section 18.47 of the Virginia Administrative Code "means but is not limited to lying, cheating or stealing."

## **Conclusion**

The creation of new social networking sites, along with the sustained popularity of existing ones, pose interesting dilemmas for most employers. Because teachers have always been held to a higher standard than the general population, it comes as no surprise that their participation on social networking sites is beginning to be regulated and controlled by their employing school boards. The social networking policies used by three of the four local school divisions are embedded in existing policies and clauses; however, Woodland County Public Schools' stand-

alone social media policy is extensive and detailed. Because of the distinctive nature of this particular school district, an extensive study into this case was warranted.

The current chapter provides the necessary background information needed to understand the problem. It also describes the purpose of the study and introduces the research questions. In addition, an overview of the study context, an overview of the research design, and the definitions of key terms are provided. Chapter Two discusses the problem in the context of relevant, interconnected literature. Thereafter, Chapter Three explains the research methodology used to conduct the study. Chapter Four details the results of the study, while Chapter Five interprets the narrative, discusses implications of the study, and makes recommendations for further study.

## CHAPTER TWO: LITERATURE REVIEW

Because the topic of teacher participation on social networking sites is relatively new, limited resources were available for review. However, this chapter presents the groundwork for study into the following issues: the historic background concerning proper teacher behavior and how it has changed or remained the same over time, an overview of traditional teacher free speech legal cases to help determine boundaries for teacher freedom of expression on social-networking sites, recent trends in teacher discipline and dismissal affiliated with participation on social networking sites, and an overview of rulings dealing with student freedom of expression cases involving social networking site participation.

An historical overview of pertinent legal cases is provided to show the development of the legal framework usually applied to teacher freedom of speech cases. Commentaries, which suggest the deficiencies in these cases, with regard to recent technological advancements, show the dearth of appropriate legal precedent in this particular arena. The specific cases involving the discipline and dismissal of teachers because of their social networking site participation trace recent school board employment trends. Finally, because the decision in the primary capstone case, *Tinker et al. v. Des Moines Independent Community School*, linked student and teacher freedom of expression, and in the absence of legal verdicts involving teacher participation on social networking sites, a summary of past court decisions involving student speech on social-networking sites is included. But first, I share research on proper teacher behavior and how it has changed over time, including commentary on the responsibility of the teacher to act as mentor



and role model.

### **Historic and Current Perceptions of Proper Teacher Behavior**

America's public school system was created during the colonial era as a Protestant response to parochial schools; therefore, Shotwell (2010) argues that even more than two hundred years later, "Judeo-Christian standards of moral conduct continue to control the lives of public school teachers." In her discussion of the moral history of education in America, Laud (1997) explains that in addition to the use of the *McGuffey Reader*, the curriculum staple used throughout the country in the 19<sup>th</sup> century, a teacher's own good character functioned to directly transmit values and ethics in the hope that students would emulate the behavior. Accordingly, Shotwell (2010) describes the ideal teacher in the female-dominated education workforce of the late 1800s as intellectual, benevolent, self-sacrificing, and docile. Teachers, especially those in rural areas, were typically the only educated member of the community, and as such, they served as obligatory role models whose behavior had to be exemplary in order to counterbalance the smoking, drinking, gambling, and adulterous activities of their pupils' parents (Trebilcock, 2000).

Trebilcock (2000) further contends that the public has always had a vested interest in regulating teacher behavior. To fund early rural schools, local families paid a per-child assessment, and teachers frequently boarded with local townspeople who, in turn, found themselves in the position to closely monitor and report on teachers' private lives. According to Shotwell (2010), this scrutiny of teacher conduct outside of school was frequently supported by America's court system well into the late 1970s with mostly female teachers who violated the accepted moral standards by cohabitating with members of the opposite sex or becoming pregnant while unmarried subject to discipline up to and including dismissal.

For Shotwell (2010), the 1969 Supreme Court of California's decision for the plaintiff in

the watershed teacher dismissal for immorality case, *Morrison v. State Board of Education*, in which a gay male teacher was removed from the classroom because of a homosexual relationship with a consenting adult, “represented a significant advancement in protecting teachers’ privacy and due process rights” by requiring a nexus between a teacher conduct and fitness to teach. Although he acknowledges that school districts have a “strong interest in protecting the school community,” Fulmer (2002) further advances the idea of teacher privacy as a central right guaranteed by the U.S Constitution. Shotwell (2010) suggests that over the last four decades, due in large part to the urbanization of America, scrutiny of teachers’ private lives has diminished. Trebilcock (2000), on the other hand, argues that many state statutes still provide local school boards with the power to terminate teachers for conduct outside of the classroom unrelated to teacher job performance.

Laud (1997) discusses moral education as an enduring issue in education, even before the advent of the Internet. DeMitchell (2011) explores how “[t]he world outside of the school, defined originally by the proverbial schoolhouse gate, has intruded inside the school due to an increasingly electronically connected society.” Teachers are particularly susceptible to unwarranted intrusions and investigations, Shotwell (2010) asserts, in part because of the vast amount of information available on social-networking sites. While suggesting that school administrators do not have the right to investigate every facet of teachers’ lives, Fulmer (2002), citing inconsistency among states and courts in determining the definition of teacher immorality, calls for a solution that involves “individual school districts and boards educating their teachers as to what specific conduct is required of them.”

### **Seminal Legal Cases Regarding Teacher Free Speech**

*Tinker et al. v. Des Moines Independent Community School* is the oldest of the four cases

which provide the standard framework for determining free speech cases involving public school teachers. Decided by the U.S. Supreme Court in February of 1969, *Tinker* involved the wearing of black armbands, in protest of the United States' involvement in the Vietnam War, by two high school and one junior high school students. School administrators, acting in accordance with a newly created, days-old policy specifically prohibiting the wearing of armbands by students, suspended the trio, who refused to remove their two-inch wide strips of black fabric, and sent them home. Families of the students subsequently sued the school district, losing in U.S. District Court and the Eighth Circuit of the U.S. Court of Appeals, before the Supreme Court reversed the earlier rulings, finding that the plaintiffs' right to free speech, protected by the First Amendment of the U.S. Constitution, had been violated.

In an often-quoted passage from the Court's decision, which clearly presupposes the issue of teacher free speech, Justice Fortas, writing for the majority of seven, stated: "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The *Tinker* case, therefore, sets the precedent in acknowledging that teachers not only have a Constitutionally-guaranteed right to free speech, but that their rights are not automatically and temporarily suspended during work hours. Three equally important, subsequent court cases have refined, expanded, and, in one case, further restricted the right to free speech, as it pertains to teachers and other government employees.

A case that seemingly boosts the rights of teachers regarding free speech, *Garcetti v. Ceballos*, was originally decided by the U.S. Supreme Court in 1951 and reargued and affirmed in the 2005-06 Court session. This case concerns a former deputy district attorney who alleged

retaliatory actions taken against him by his employer after the Plaintiff wrote a memo to a supervisor in which he criticized an investigation and proposed prosecution of a pending criminal case. In both the 1951 and 2006 rulings, the Court held that “when public employees make statements pursuant to their official duties, such employees are not speaking as private citizens for purposes of the Federal Constitution’s First Amendment, and thus the First Amendment does not prohibit managerial discipline of such employees for such speech...” However, Justice Kennedy of the 2006 Court also wrote that “[t]he Federal Constitution’s First Amendment limits the ability of a public employer to leverage the employment relationship, to incidentally or intentionally, restrict the liberties that public employees enjoy in their capacities as private citizens.” In restricting the speech made by employees in the scope of their official job capacities, the Court ostensibly affirmed public employees’ right to free speech when they are operating within the context of average Americans.

The ruling in 1968’s *Pickering v. Board of Education of Township High School* is also frequently invoked in support of teachers’ free speech rights. Public school teacher Marvin Pickering was terminated after sending a letter to the editor of a local newspaper that was critical of a recently-defeated tax increase proposal, in the form of a tax bond referendum, devised by school board members and the school district superintendent. In his letter, Pickering also quoted his superintendent as saying, “Any teacher who opposes the [proposed tax] referendum should be prepared for the consequences.” Both the local circuit court and the Supreme Court of Illinois affirmed Pickering’s dismissal; however, the U.S. Supreme Court reversed these rulings, finding, in part, that Pickering’s actions could not be “shown nor can be presumed to have in any way either impeded the teacher’s proper performance of his daily duties in the classroom, or to have interfered with the regular operation of the schools generally.” Furthermore, the Court concluded

that it is necessary to view a teacher as a “member of the general public” when “the fact of employment is only tangentially and insubstantially involved in the subject matter of the public communication made by a teacher.” The Court’s decision in *Pickering* suggested that teachers should first be viewed as citizens, with all of the free speech rights afforded to them by the First Amendment, and as public employees second, provided that their public communication, regardless of whether or not it is deemed critical of school officials, does not actually disrupt the learning environment.

The ruling in the fourth and final keystone case, *Connick v. Myers*, marks an important distinction by the U.S. Supreme Court in matters which pit a public employee’s right to free speech when commenting on matters of public interest against an employer’s interest in maintaining a disruption-free workplace. Sheila Myers was employed as an Assistant District Attorney in the New Orleans’ office of District Attorney Harry Connick. When Myers was told she being transferred to another division, she created and circulated, apparently while at work, a questionnaire which sought to ascertain her colleagues’ feelings about, among other topics, office morale, transfer policies, and their level of confidence in their supervisors. Other than one question regarding how employees felt about having to volunteer in public campaigns, Myers’s survey was deemed by the Court to be a matter of personal interest rather than a matter of public concern.

In reversing the earlier rulings of the U.S. Court of Appeals for the Fifth Circuit and federal District Court, which had ordered the reinstatement of Myers, who was terminated for refusing her job transfer along with creating and disseminating her questionnaire, the Court noted that “it is not necessary for the employer to allow events to unfold to the extent that the disruption of the office and destruction of working relationships is manifest before taking action,

however, a stronger showing may be necessary if the employee's speech more substantially involves matters of public concern." This ruling essentially lowers the threshold for disruption from actual to potential, allowing employers to act proactively instead of reactively. It is also critical to note that Justice White, who delivered the 5-4 decision, cautioned that "employee speech which transpires entirely on the employee's own time, and in non-work areas of the office, bring different factors in to the calculation of balancing of interests to determine whether a public employee may be discharged for statements made relating to the office." This wording suggests that the Court is less certain of how to best handle employee free speech that occurs off-site and outside of typical working hours, something that the twenty-four hour-a-day access of the Internet only exacerbates.

Jo (2002) contends that in the *Connick* decision, the Supreme Court "reversed the lower courts which held in favor of [Myers] on the basis of *Pickering*." This ruling, according to Jo, has led to a general unwillingness by lower courts to classify teachers' free speech as matters of public concern which affords such speech protection under the First Amendment. The *Connick* verdict, therefore, gives employers a clear, insurmountable advantage in free speech cases. Additionally, Jo argues, the Supreme Court has not sufficiently clarified what is meant by the term "matters of public concern," and as a result, this confusion has subsequently led to inconsistent rulings at the Circuit Court of Appeals level, with the decisions offering "a very scanty explanation of the factors governing the judgments."

In an article suggesting that since the *Tinker* decision, teachers' rights to freedom of expression rights have been eroded, Wohl (2009) divides the issue into two broad categories: speech that occurs in the context of the classroom, and speech that teachers make in their roles as private citizens. Wohl argues that because of the recent trend of classifying teachers as public

employees, so that the *Pickering-Connick-Garcetti* line of cases applies, educators have lost significant ground in the freedom of speech arena.

Likewise, since the *Tinker* case, the First Amendment rights of educators and students have been inextricably linked; therefore, as student free speech is increasingly restricted, so is the free speech of teachers. On the other hand, while Wohl suggests that while the First Amendment interests of students and teachers clearly overlap, he states that “applying one analysis to both is like trying to fit a square peg into a round hole.” As free speech rights in the schools continue to recede, teachers are far more likely than students to suffer dire consequences.

As technology continues to develop at rapid speed, morphing into such entities as MySpace and Facebook, which obviously blur the boundaries of the schoolhouse, Wohl sees this trend of curtailing teacher free speech continuing, either through punitive state legislation or sweeping local school board policies regarding the use of technology. To combat this, Wohl suggests corrective action, in the form of “reasonable, intelligent public officials [who] should be able to come together in support of American education and produce legislation that provides fair protections of such an essential activity.” At the very least, Wohl urges a restoration of the free speech principles exhorted in the *Tinker* decision, which he characterizes as the pinnacle of student and teacher free speech rights.

### **Application of Prior Free Speech Cases to Cases Involving Technology**

Todd et al. (2008) discusses how the *Garcetti v. Ceballos*, *Pickering v. Board of Education*, and *Connick v. Myers* cases are usually applied to determine when a public employee’s speech is a matter of public concern, and, is therefore protected by the First Amendment. Todd hypothesizes as to how these cases might be applied to Internet blogs posted by teachers, indicating that the speech must first pass the *Garcetti* nexus-analysis to determine if the off-duty,

online speech is directly related to a teacher's job. If *Garcetti* is applicable, according to Todd, then the *Connick-Pickering* balancing test should be utilized to determine "whether the teacher's interest as a citizen in commenting upon matters of public concern outweighs the interest of the school district in promoting the efficiency of its public services." Because the issue of employee discipline related to teacher blogs is the topic of the article, Todd makes only passing mention of Facebook or MySpace teacher profiles and teacher participation on these social networking sites and does not suggest how matters of this nature should be handled.

In an unpublished paper, Edwards (2008) asserts that *Tinker* and *Pickering* are not relevant in determining if and how to regulate teacher participation on social-networking sites. Instead, Edwards (2008) suggests that a different standard, the *Morrison* nexus test, should be utilized to determine if a teacher's out-of-school activities undermine his or her suitability to teach.

Edwards' assertion is based on a 1969 Supreme Court of California decision reversing the revocation of Morrison's teaching credentials after his employing school division learned of a consensual homosexual relationship between Morrison and a male colleague. The court's ruling included an analysis of the applicable state of California's Board of Education statute, and concluded that its proper interpretation indicates that "an individual can be removed from the teaching profession only upon a showing that his retention in the profession poses a significant danger of harm to either students, school employees, or others who might be affected by his actions as a teacher" (*Morrison*, 1969) Furthermore, the court determined that "the power of the state to regulate professions and conditions of governmental employment must not arbitrarily impair the right of the individual to live his private life, apart from his job, as he deems fit."

Edwards (2008) contends that instead of invoking the teacher free speech precedents originating in *Tinker* and *Pickering*, the legal framework established in *Morrison* should be



utilized. While her article offers another option for regulating teacher participation on social-networking sites, her argument is based on the “conduct unbecoming” standard as defined in the forty-year old legal decision. Although the article shows how the Social Learning Theory can be used successfully to establish that teachers are role-models, it offers little in the way of how to adequately assess diminished classroom performance as a direct result of teacher participation on social-networking sites. Instead, in calling for teachers to regulate their own behavior, Edwards relies on common sense and the assumption that her cited examples of teacher misconduct “can almost certainly [have] only one interpretation.”

### **Teacher Discipline and Dismissals Due to Social-Networking Participation**

An increasing number of recent court cases and teacher terminations resulting from both non-school related and school-related postings on social-networking sites exist. One case in particular, involving a Connecticut English teacher, was decided in September of 2008 by a federal district court in favor of the Connecticut Technical High School system. In *Spanierman v. Hughes, Druzolowski, and Hylwa*, the court upheld school officials’ decision to not renew the contract of non-tenured teacher, Jeffrey Spanierman, who, by his own admission, used his MySpace account “to communicate with students about homework, to learn more about the students so he could relate to them better, and to conduct casual, non-school related discussions.”

The *Spanierman* court utilized the *Ceballos* standard to make the determination that, despite his claims, the Plaintiff was not using his MySpace profile in accordance with his teaching responsibilities. The court then used *Connick* to determine if Spanierman’s speech was of public concern. On this point, the determination of the court was inconclusive: one portion of Spanierman’s website contained an original poem written in objection to the war in Iraq. Ultimately, however, the court found that it was not unreasonable for the Defendants to believe

that the Plaintiff's MySpace postings would upset the learning environment of the school.

In his discussion of the *Spanierman* decision, Zirkel (2009) suggests that the main lesson to be gleaned from this particular case is that technology such as MySpace and Facebook "further blurs the boundaries between in-school and out-of-school business and between school-related and non-school-related communications." As of late, Zirkel warns, the Supreme Court seems to be leaning towards public employers in matters of employees' individual rights, especially those concerning the First and Fourteenth Amendments. Furthermore, Zirkel advises that, because of remarks found in the *Spanierman* decision, even tenured teachers are not immune to the potential dangers posed by their active social networking participation.

Likewise, the cover story of an in-house publication produced by the Utah State Office of Education (2008) cautions that "for current employees, including teachers, a MySpace or Facebook page may cost them their current employment." In light of the *Spanierman* verdict, the article asserts, in postings found on social-networking sites, text-messages, or in any other technological format, educators have to adhere to a higher set of standards exclusive to the nature of their profession. Failure to do so, the article suggests, may result in a post which interrupts the educational process, and such a disruption could serve as the basis for termination.

In January of 2007, a Florida middle school teacher was fired for posting what was deemed to be inappropriate pictures and messages on his personal MySpace page. According to the school district superintendent, physical education John Bush was terminated because his webpage "contained personal information about Bush that 'parents would not want their children to know about their teacher'" (Todd et. al, 2008) Likewise, in November and December of 2008, five teachers and teacher assistants, all employees of Charlotte-Mecklenburg Public Schools, were disciplined or terminated after their Facebook postings, in which one claimed to work "in

the most ghetto school in Charlotte”, and another wrote “I hate my students”, were discovered by a reporter working at a local news outlet. (Helms, 2008). Additionally, postings on online social networking profiles have also prevented potential teachers from entering the profession in the first place. Prospective teacher Stacy Snyder was denied a teaching certificate after administrators at her university found pictures of “portray[ing] herself as a ‘drunken pirate’ on her MySpace profile (Ewbank et al., 2008).

In response to what she says is “nothing short of confusing” with regard to the doctrine governing teacher free speech on their own time, Papandrea (2012) argues for courts to “examine both the validity of the school’s purported message as well as the nexus between the school’s mission and the need to restrict the teacher’s speech under review.” While specifically mentioning John Smith as the Virginia teacher “who created artwork using body parts,” Papandrea calls for laws or policies that restrict student-teacher communication via social media to be ruled unconstitutional, and she explains how *Garcetti* should be limited and *Connick* should be eliminated when determining teacher free-speech cases. Furthermore, Papandrea asserts that “teachers should enjoy robust First Amendment rights when they use social media networks in a noncurricular manner” and should not have to use social media “at their peril.”

### **Teachers’ Opinions and Recommended Training Regarding Online Speech**

In response to such headlines and firings, teachers increasingly assert the usefulness and benefits of having personal social networking profiles. Specifically, Allison Trzeskowski-Giese, argues that her profile on Facebook has helped her connect on a deeper level with students, claiming that “tapping into this medium has proven to be a resource for tying classroom instruction to real life” for students (Ewbank et al., 2008). While some professional organizations, such as the Ohio Education Association, openly discourage teachers from

participating on social-networking websites, many teachers are adamant that they will continue to use their personal social networking sites to maintain contact with family, friends, as well as their students, arguing, in part, that genuine student-teacher relationships foster trust and understanding of individual students and their lives outside of the classroom (Kist, 2008).

Ewbank et al. (2008) contend that many pre-service and new teachers do not recognize the line that separates teachers' professional and personal lives, especially as it relates to online, social-networking behavior. They suggest that university teacher preparation programs, as well as district human resources professionals, need to have in-depth conversations with potential and current educators where "some essential lessons about self-restraint and the importance of reputation" are discussed. Balancing what information to impart without encroaching on teacher free-speech rights, the authors concede, proves problematic; therefore, in the absence of legal decisions pertaining to off-duty public expression not of public concern, teachers continue to define these boundaries for themselves with varying degrees of success.

### **Landmark Legal Cases Regarding Student Free Speech**

Two cases decided by the Supreme Court, *Bethel School District No. 403 v. Fraser* and *Hazelwood School District v. Kuhlmeier*, along with the aforementioned *Tinker* case, provide much of the legal framework in deciding student free speech issues. As testament to the complexity of freedom of expression cases in the public school setting, it is worth noting that the rulings in both of these cases reversed previous court decisions. In *Bethel School District No. 403 v. Fraser*, during a nomination speech for a fellow student who was seeking election to a student government office, Fraser used an extended sexual metaphor and sexual innuendos to describe his candidate. The speech was heard by approximately 600 of Fraser's high school classmates in an optional school assembly, and his remarks resulted in disciplinary action, in the

form of a three-day suspension and removal from the list of potential graduation speakers, for Fraser. Fraser's father, acting on his son's behalf, subsequently sued the school district, alleging that his son's First Amendment right to free speech had been violated.

The Court ruled 7-2 in favor of the school district, reversing two previous rulings by the trial court and the court of appeals. The Supreme Court ruling specifically reaffirmed "the First Amendment guarantees wide freedom in manners of adult public discourse" but noted that "[n]othing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions." Furthermore, in delivering the opinion of the Court, Chief Justice Burger remarked that "[t]he undoubted freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against society's countervailing interest in teaching students the boundaries of socially appropriate behavior."

In *Hazelwood School District v. Kuhlmeier*, the contents of a student-produced, school-published newspaper were censored by the high school principal. The articles contained on the pages that were removed involved teenage pregnancy and the impact of divorce on children, and contained quotations from current students, although their identities were not revealed. Three former Hazelwood East High journalism students/newspaper staffers filed suit, claiming that the principal's actions violated their right to free speech. In reversing an earlier ruling by the appellate court, the Supreme Court declared that the student newspaper "could not be characterized as a forum for public expression." Additionally, Justice White's opinion concluded that "a school must be able to set higher standards for the student speech that is disseminated under its auspices...as long as their actions are reasonably related to legitimate pedagogical concerns."

While the *Tinker*, *Bethel*, and *Hazelwood* decisions specifically pertain to student speech

that occurs on school premises or through school-sponsored expressive activities, the 2007 Supreme Court ruling in *Morse v. Frederick* certainly seems to grant school boards and school leaders more expansive powers in disciplining student freedom of expression. In upholding punishment for student speech that occurred off of school property and at an activity not officially sanctioned by the school district, school, or any school-sponsored club, the Court, with this most recent student speech decision, might have inadvertently revealed how it will eventually rule in cases concerning student First Amendment rights and use of the Internet.

### **Recent Trends in Student Free Speech Cases Involving Social Networking Sites**

Calvert (2009) asserts that in the wake of inconsistent lower court rulings dealing with student free speech involving the use of technology such as websites and social-networking sites, schools are stepping in to create policies regarding social-networking sites and blogs which are in direct violation of students' free speech rights. Acknowledging that administrators have jurisdiction over student on-campus conduct, Calvert cautions that schools do not have free reign "to become the censors of the world." Additionally, Calvert sees fear, fueled by the perception that students are much more adept than their adult administrators at manipulating and figuring out technological advancements, as playing a major role in the policies that schools have enacted to curtail off-campus speech. Calvert, addressing inconsistencies at the federal court level, calls for the Supreme Court to take up one of the increasingly familiar cases involving student free speech and the Internet so that an infallible legal precedent, especially one regarding the jurisdiction of off-campus-created speech, can be quickly established.

Similarly, Hoover (2009) also reports that lower courts have begun addressing the problem of how to best balance students' First Amendment rights, specifically in the realm of online activity, against the need to preserve a learning environment free from distraction. Hoover, like

Calvert, also looks to the High Court to provide some legal guidance; however, Hoover asserts that the question of how to best deal with student online behavior will not be a difficult one for the Supreme Court, as past cases such as *Tinker*, coupled with more recent rulings in *Fraser*, *Kuhlmeier*, and *Morse*, will provide the legal framework for virtually all conceivable student online scenarios. Currently, according to Hoover, schools are overstepping their disciplinary powers by attempting to punish students for off-campus, online behavior that pushes the limits of existing student free speech cases.

Like Calvert, Williams (2008) finds that, in the absence of a specific Supreme Court standard, lower courts are reaching different conclusions with regard to student online free speech cases. As a result, like Hoover, Williams feels that many of the rules and regulations being used to curtail student online free expression, typically the invocation of anti-bullying policies or acceptable use of technology policies, violate students' First Amendment rights. In a departure from the ideas of Calvert and Hoover, however, Williams hinges much of her argument on how lower courts frequently misapply *Tinker* to off-campus speech. She calls for a revision of *Tinker*, to include distinctions between postings made on student social-networking profiles that are open to the public and those made on profiles where students have enabled privacy settings. As social-networking sites continue to gain momentum, both schools and courts need guidance in order to curtail the increasing number of incidents involving student punishments that violate their First Amendment rights.

## **Summary**

The concept of what constitutes proper teacher behavior both in and out of the classroom is slowly evolving. However, society continues the trend of holding educators to higher moral standards that began when the teaching profession was first established. Technology, and most

importantly, the development of social media and social networking sites, has added a new wrinkle to both student and teacher acceptable conduct by essentially obliterating the previously-held, mostly physical concept of the schoolhouse gate. A free speech legal cases, centered around the use of social media and involving students and teachers, continue to work their way through the court system, it has become more and more apparent that school divisions and administrators are struggling to regulate teacher behavior, both in and out of the classroom.



## CHAPTER THREE: METHODOLOGY

Methodology is “the nuts and bolts of research practice” (Carter & Little, 2007). It explains the hows and whys of conducting research and links these methods to the outcomes. The overall research design for this study is qualitative in nature because, as Hodder (1998) asserts, it involves the process of obtaining, sorting, cataloguing, and categorizing information so that synthesis and deeper understanding can occur. This study sought to provide a deeper understanding into the contextual factors that led to the development of Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy, and how it is being interpreted, implemented, and applied, as well as to what extent Woodland County Public Schools uses the “crime of moral turpitude” clause found in Section 22.1 of the Code of Virginia to regulate teacher behavior generally and/or teacher behavior online specifically. Two specific qualitative strategies of inquiry, comparative historical analysis and interpretive policy analysis, were used to design and conduct this study. The purpose of this chapter is to explain how data was collected and analyzed, as well as provide the theoretical framework that supported the use of this particular methodology.

In discussing methodology, it is necessary to understand what governs the qualitative researcher’s design choices in constructing meaning. Crotty (1998) proposes that the answers to the following questions should guide the four elements of qualitative research and justify the research process.

1. What epistemology – theory of knowledge –provides the basis for the research?

2. What theoretical perspective is being utilized?
3. What strategies of inquiry will link the method to the outcomes?
4. What methods of research will be used?

The answers to each of these four questions developed by Crotty are addressed below.

### **Epistemology**

Crotty outlines a tiered approach to the research process, and what he suggests provides the initial framework of any social research is the underlying epistemology, or “way of understanding and explaining how we know and what we know” (p. 3). The epistemology for this study is Constructivism. In Constructivism, meaning and knowledge is the product of humans intentionally interacting with their world and trying to make sense of it. Constructivists are active knowledge seekers who attempt to link new learning to past ideas and experiences. Therefore, Constructivism was well-suited for this study because understanding was generated through the examination of a policy designed to further restrict teacher behavior. Such attempts to shape the way in which teachers behave, both in and out of the classroom, have been present in various forms since the profession was established, and it is my belief that new insights were gained through understanding the context behind the creation of Woodland County Public Schools’ “Use of Social Media Networking Sites by WCPS Employees” policy.

Likewise, taking a constructivist approach necessitated gathering data via interviews with policy actors. Creswell (2008) suggests using broad and open-ended questions to enable to those being interviewed to construct their own meaning. Furthermore, he believes that the interaction among individuals, here the interviewer and interviewee, also generates patterns of meaning for analysis. Interviewing what Yanow (2000) refers to as “interpretive communities” (p. 27) provided additional knowledge and insight surrounding the development and implementation of

the policy.

### **Theoretical Perspective**

Crotty (1998) describes theoretical perspective as the “philosophical stance lying behind a methodology” (p. 66). According to him, Interpretivism, or the way in which we understand and elicit meaning is based on “culturally derived and historically situated interpretations of the social life-world” (p. 67). One branch of Interpretivism is hermeneutics. According to Crotty, in the hermeneutic mode of understanding, the meaning found in texts goes beyond semantics. Hermeneutics, therefore, takes into account “the intentions and histories of the authors, the relationship between author and interpreter, or the particular relevance of the text for readers” (p. 91). Because the aim of hermeneutic theory is to understand hidden meanings, intentions, and even suppositions of the text’s author, researchers cannot ignore the historical or social setting when seeking to create meaning.

This study sought to discover the historical, cultural, and political events that led to a specific policy’s development and adoption, as well as to discover how and to what extent it was being applied. Interpretivism worked well here because it not only provided a basis for how meaning emerges from the examination of written and oral discourse within a specific set of time and place parameters, but it also allowed for the sense-making of a policy from a social and cultural stance.

### **Strategies of Inquiry**

Comparative historical analysis is concerned with understanding the causes and context behind an outcome (Mahoney & Rueschemeyer, 2003, p. 8). It is a research method centered on the inquiry of sequential events on a micro-level; the questions generated then formulate “important puzzles” that frequently lead to further investigation of similar situations.

Comparative historical analysis was used to examine possible reasons behind the creation and implementation of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy. It was also used to explore use of Woodland County Public Schools' of the "crimes of moral turpitude" clause typically found in public school division contracts.

Interpretive policy analysis, according to Yanow (2000), is concerned with the multiple understandings of a single policy by all policy-relevant stakeholders or communities of meaning. These meanings are constructed, through the lens of prior knowledge, while examining the symbolic language found in policy artifacts such as documents and the stories of the policy makers. Similarly, Bardach (2009) states, "[i]n policy research, almost all likely sources of information, data, and ideas fall into two general types: documents and people" (p. 69).

According to Yanow (2000), three initial steps are key when beginning an interpretive policy analysis: identifying communities of meaning or practice (i.e., groups of people who have a vested interest in the policy), locating policy-related artifacts, and documenting the similarities and differences between X and X (p. 30). In order to increase effectiveness, I completed these steps to acquire the local knowledge necessary to understand the development, interpretation, and implementation of the specific policy. In addition, Yanow suggests that the researcher keep at least one, but possibly two, logs of daily events and activities related to the study – one in which factual data is recorded, and one in which the researcher writes about personal responses to what has been learned. The specific collection tools used to conduct this study are explained in greater detail below.

## **Methods**

The following table reiterates the research questions and provides an overview of the methods that were used to answer those questions. In addition, sampling procedures are outlined

for collection tools that involved human participants. when the data collection procedure did not involve people, but, rather, documents and other archived materials, sources and locations of those sources are explained in the table on the following page.

**Table 1**

*Research Questions, Methods, and Sources*

Questions	Methods	What is my source?	Who is my source?
What contextual factors led to the development of Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy?	Document Analysis  Interviews	Newspaper articles located through the <i>Richmond-Times Dispatch</i> online database, Woodland County Public Schools’ School Board documents, meeting minutes, and publications located through the Woodland County Public Schools’ website (i.e., [WCPS]’ “Social Media Policy for Employees”)	The newspaper archives August 1, 2006 –August 1, 2012 date parameters; Interview participants included WCPS current and former WCPS School Board members.
How is the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy being interpreted, and applied?	Document Analysis  Interviews	Woodland County Public Schools’ website	Interview participants included WCPS current and former WCPS School Board members.
To what extent does Woodland County Public Schools use the “crime of moral turpitude” clause found in Section 22.1 of the Code of Virginia to regulate teacher behavior generally and/or teacher behavior online specifically?		Section 22 of the <i>Code of Virginia</i>	Interview participants included WCPS current and former WCPS School Board members.

**Documents.** Love (2003) calls written texts “a rich source of data from which much can be learned.” For this study, local online newspaper archives for a period of seven years preceding the June, 2012 adoption of the “Use of Social Networking Sites by WCPS Employees” policy were searched. While specific topics of interest included teacher discipline, teacher online behavior, and social media policy development, all articles pertaining to Woodland County Public Schools were collected and read to provide background information. In addition,

Woodland County School Board meeting minutes for the same period of time were obtained, along with and other open access documents such as school board publications that mention social media, teacher discipline, and general policy development.

Yanow (2000) asserts that newspapers or their “Internet equivalents” (p. 33) are useful starting points for obtaining relevant documents in interpretive policy analysis; however, he suggests that they should not be the only source of documents. Therefore, transcripts of Woodland County School Board meetings from the same seven-year period were also examined. The Education section (22) of the current Code of Virginia was examined for clauses containing the words “moral turpitude.” Appendix A, a sample Document Summary Form, shows how documents were analyzed and summarized.

Because I had a hunch that the John Smith butt-painting “situation” was the impetus for the creation of the “Use of Social Networking Sites by WCPS Employees” policy, and I was curious to see if this policy is actually being used to discipline Woodland County Public Schools’ teachers, I began my study by seeking to answer the first two research questions in tandem:

**RQ1: What contextual factors led to the creation of Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy?**

**RQ2: How is the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy being interpreted, and has this policy been applied and/or revised since its initial inception?**

To answer Research Question 1, I started with an Internet query (using the Google search engine) of John Smith’s name and included the terms: *butt painter, John Smith, art teacher, butt painter, fired teacher John Smith, and John Smith, teacher, Woodland County Public Schools*. I needed to fully understand the circumstances of Smith’s firing, and I also wanted to establish a

concise timeline of events to see if there was any discernible connection between the John Smith case and the development of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy. My Google search produced several material artifacts in the form of newspaper articles, press releases, court documents, and school division publications. These documents were all readily available on the Internet, so I made printed copies and began analyzing the content.

Chapter Four provides relevant details gleaned from over thirty articles surrounding the suspension and subsequent firing of a former Woodland County Public Schools' art teacher, John Smith, who was placed on administrative leave from his teaching position at Menominee High School on December 6, 2006 and fired from Woodland County Public Schools at their regularly scheduled, monthly Woodland County School Board meeting on January 9, 2007.

At the same time, I was conducting artifact research analysis in order to help answer Research Questions 1 and 2, I also began preparing for interviews that I hoped to hold with a variety of policy actors including former and current Woodland County Public School Board members, the Superintendent of Woodland County Public Schools, the Assistant Superintendent of Human Resources for Woodland County Public Schools, and willing Woodland County Public Schools' principals and teachers. After several technical glitches with the new proposal system software, my advisor and I submitted the required paperwork to the Virginia Commonwealth University Internal Review Board in June of 2015. We immediately hit a substantial roadblock: VCU's IRB would not approve my study as it had been designed without the approval of Woodland County Public Schools. Meanwhile, officials at Woodland County Public Schools would not consider my study until it had been approved by the Virginia Commonwealth University IRB. Because of this "Catch 22," my advisor and I worked to

reconfigure my proposed study so that significant research could still be conducted in order to answer the Research Questions posed in Chapter One.

**Interviews.** Using information gleaned from documents, semi-structured interviews with key informants were conducted. Elliot (2005) asserts that “it is well-established that interviews are central to much research in the social sciences” (p. 18). Because the policy actors are key to understanding the possible reasons behind the development, as well as the implementation, interpretation, and application of Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy, their perspectives were important to sense-making. Yanow (2000) sees these conversational interviews as critical in corroborating or refuting the researcher’s initial assumptions.

Creswell (2007) observes that the main challenges in interviewing involve “the mechanics of conducting the interview” (p. 140). In this study, face-to-face interviews were conducted using set procedures found in the Interview Protocol (Appendix B). Accordingly, an initial set of questions directly related to this study’s research questions were used. I memorized probing stems and questions specifically designed to encourage more insight into the interviewee’s perspectives and involvement. The use of a semi-structured format allowed interviewees and me the opportunity to explore additional areas of inquiry in an open discussion, giving both participants adequate time to provide explanations and context.

**Sampling strategy.** To guide purposeful sampling decision-making in qualitative research, Bogdan and Biklen (1992) suggest answering the following questions: 1) Why was the specific site selected? 2) What will be conducted at the site? 3) Will the researcher’s presence at the site be disruptive? 4) How will the results be reported? 5) What is the reciprocity for the participants (i.e., what will they gain from participating)?



For this study, Woodland County Public Schools was selected because, in this region, their social media policy is the only one of its kind in terms of detail and breadth. Outside of conducting interviews with policy actors determined from information obtained through document analysis and opportunistic/snowball/chain sampling, I was not a constant on-site presence; therefore, as a result of my limited, purposeful visits, no disruptions occurred. Results are reported in the form of a narrative enabling all participants to gain a more complete understanding of: how this particular policy was developed and adopted; how this particular community interprets the written policy; how and to what extent this policy is being implemented and applied; possible connections between historic and current understandings of appropriate teacher behavior and conceptions of “moral turpitude” and how those may have changed over time, especially with the advent of new technologies.

### **Interview Protocol**

After months of revisions and revamping the study to quell the continued objections from our Virginia Commonwealth University Internal Review Board contact, my advisor and I received approval for the study from VCU’s IRB on December 7, 2015. The following day, on December 8, 2015, I e-mailed all of the current members of the Woodland County School Board asking them to participate in my study. One member e-mailed me within an hour agreeing to be interviewed. The second and third interview participants responded affirmatively the next day. Despite repeated e-mails and phone calls over the span of several months, I never heard from any of the two additional current Woodland County School Board members.

I also e-mailed five former Woodland County School Board members (one particularly relevant former member, who was part of the WCPS School Board during the John Smith suspension and firing, is now deceased), through e-mail addresses that were located on the

Internet as matter of public record, who were serving on the Woodland County School Board during the John Smith termination, court case, and settlement and/or during the time that the Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy was developed and adopted. None of the former members responded to my repeated e-mails and phone calls. In a final attempt to ensure that I had made contact through active and correct e-mail addresses, I contacted the current Clerk of the Woodland County School Board to inquire as to whether she would contact former School Board members on my behalf, or if she would be willing to double-check the e-mail addresses I had previously located to verify their accuracy. After a two-week period, during which I did not hear from the Clerk of the Woodland County Public Schools, I e-mailed the current Public Affairs Officer for Woodland County Public Schools to ask for help in contacting former Woodland County Public School Board members. He did reply to my e-mail within three days of my initial contact, but he politely declined to offer assistance of any kind.

Once each of the three willing participants agreed to be interviewed, a date, time, and, in two cases, a mutually convenient public meeting place, such as Starbucks or Panera Cafe, was determined. The location of the third interview was the participant's place of employment, the conference room of a local branch of a national law firm. Each of the participants declined my offer to provide a list of interview questions ahead of time. Prior to the start of each interview, participants were provided with and asked to sign a "Research Study Information and Adult Participation Consent Form" (Appendix E). In addition, at the beginning of each interview, I offered a brief overview of the study, and participants were asked if they had any additional questions or concerns.

**Table 2**

*Interview Participant Demographic Information*

<b>Interviewee Identifier &amp; Pseudonym</b>	<b>Gender</b>	<b>Age</b>	<b>Date Elected to WCPS School Board</b>	<b>Years Lived in Woodland County</b>	<b>Current Profession</b>
Participant A Mr. Jones	Male	49	November 3, 2015	11	Department of Defense Contractor
Participant B Mr. Parks	Male	38	November 3, 2015	28	Director of Leadership Think Tank
Participant C Mr. Brown	Male	33	November 3, 2015	7	Attorney

The three interviews were held over a one-week time period, beginning on February 5, 2016 and ending on February 12, 2016. Audio digital recordings of each interview were made, and immediately afterwards, I transcribed the interviews and made relevant field notes. Initially, I made additional notes in the transcript margins. Then, I coded the transcripts by hand using highlighters to designate thematic phrases and possible patterns. I read and re-read the transcripts to tease out the recurrent ideas prevalent in the interviews. Additionally, I took handwritten notes during and created more formal research memos after each interview to capture impressions and to ensure accuracy.

**Data Analysis**

Elliott (2005) asserts that “interpretive analysis demands that [the researcher] understand [s] how subjects make sense of events and experiences and requires dense, detailed, and contextualized description.” (p. 19). To this end, data was prepared and organized; meaningful

segments were identified and assigned codes. Interpretation and meaning was then constructed.

Yanow (2000) suggests that the researcher's specific system of coding, which he calls "the process of directed intensive analysis," depends on how immersed the researcher-analyst intends to become in the details of the data he or she amasses. Thomas and Brubaker (2008) describe two systems of coding: that by which the researchers analyze the data themselves, and that which is done by one of many content-analysis computer programs. In this study, because I was primarily interested in establishing and illuminating patterns of relationships among the data collected, coding was done by hand, which allowed for the addition, elimination, or fine-tuning of codes on an as needed basis.

Once the data were coded, categories were established to further analyze content. Thomas and Brubaker (2008) appear to use the terms categorizing and classifying data interchangeably; regardless, either term, according to these researchers, refers to dividing and separating data for the purpose of comparing and contrasting. Yanow (2000) suggests that categories are sets, and that after the sets have been examined, in interpretive policy analysis, the researcher must consider which elements the categories have in common and which elements do not fit. In analyzing categories, "the architecture of the argument that underlies a policy issue" (p. 56) were identified.

To ensure research quality in terms of accurate and straightforward data analysis, an audit trail, as described by Miles and Huberman (1994) was kept throughout the data collection and data analysis procedures. I conducted self-reflection in the form of research journal entries so that I could identify potential biases and better understand how these could have affected the research process.

## **Limitations**

As in any qualitative research, the present study had limitations that had to be considered. Limitations of this study included the following: the scope of the study, generalizability of the findings, and the potential bias of the researcher. This study involved an in-depth look at the development, adoption, and application of one policy by the local school board of one school division. Consequently, the experiences of the policy actors within this division may not be representative of the experiences of equivalent policy actors in other school divisions. Another limitation was the potential bias of the researcher. I have been a public school teacher for over sixteen years, I am employed by a school division located in the same region as Woodland County, I have several friends and acquaintances who are employed by Woodland County Public Schools, and I am an active user of social media. While the findings of this study concern one division, cannot be generalized, and may be biased, it is my desire and belief that the rich, thick description that resulted from this research may prove beneficial to school divisions seeking to regulate teacher behavior on internet –based social networking websites or contemplating the creation and adoption of similar policies.

## **Conclusion**

To understand how the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy was developed and adopted, along with its interpretation and significance, a qualitative approach for this study was necessary. Conducting a qualitative case study or as Yanow (2000) refers to, an interpretive policy analysis, I was able to probe how policy actors needed to understand each of these components to evaluate the effectiveness of this policy in regulating teacher behavior on internet-based, social media websites. In addition, I sought to understand the possible connections between historic and current understandings of

appropriate teacher behavior and conceptions of “moral turpitude” and how those may have changed over time, especially with the advent of new technologies. This study investigated the factors surrounding the creation of a specific, significant, and timely school board policy. In doing so, it also provides other school divisions with valuable, detailed information as to how one public school division in this region has attempted to regulate social media use by its employees.

## CHAPTER FOUR: DISENTANGLING THE NARRATIVE

The purpose of this chapter is to describe my findings, to tell the story. Here, I share the narrative that I constructed after spending extended time with the data. The narrative is told in four parts: 1) The Butt Painting Situation; 2) The Emerging Policy Discourse; 3) The Spoken Policy Discourse, and; 4) The Written Policy Discourse. But first, I provide a bit of background to the story.

### **Background**

My intuition told me that the John Smith “butt-painting situation” was the impetus for the creation of the “Use of Social Networking Sites by WCPS Employees” policy. Indeed, it seems my hunch was correct. Of course, there is no proof of direct cause-effect. But as the story unfolded, it became clear that, as time went on, this local case turned into a national joke, compelling local school administration and governance to show they were doing something about it. For example, when I began my Internet search, several dozen news articles, many with national bylines but most with local bylines, appeared right away. In reading through the majority of these articles, I noticed that several of them contained overlapping information; they seemed to have originated as published pieces written by local reporters in the Woodland County area and then, as the story gained national attention because of the seemingly salacious details, these local articles were then picked up by the Associated Press and furnished to several major media outlets. Responses to articles about the “butt-painting teacher” ranged from newsworthy to comedic, and the story quickly garnered attention from national news outlets. For example,

Kristen Gelineau's December 12, 2006 story on Foxnews.com about John Smith's suspension is entitled "Teacher in Crack Over Butt Art." But before getting into all that, I first tell the story of the actual teacher who was put in the employment crack over his butt art.

### **Part I: The Butt Painting Situation**

In 2003, after having been employed by the Woodland County Public Schools division as an art teacher for four years, John Smith, using a Groucho Marx glasses, nose, and mustache disguise, dressed in a bathrobe, complete with a shower cap, and using the pseudonym "Jerry Smith," appeared on a now-defunct, local cable television program entitled "Untapped with Morty Shorter." His appearance included an interview and a demonstration of his unique painting style, which he used to create canvas pictures of flowers, trees, and people. According to a December 14, 2006 *The Washington Post* article, entitled "Teacher Suspended After Getting Cheeky With a Painting," by Ian Shapira, in his appearance, Smith "strips...to essentially nothing but a black thong bathing suit. Then, he spreads black paint on some paper, sits on it, then walks over to a canvas and sits on that, adding to a camouflage design of black, green and beige splotches." Other reports and articles discuss how John Smith used other body parts, including his penis and testicles, in place of smaller paintbrushes in order to add details to his pictures. At a later date, the video clip of this segment from the television show was uploaded to YouTube, where, despite Smith's attempts to hide his identity by using the disguise and pseudonym, which had apparently worked for almost three years, John Smith was recognized by students at the Woodland County Public School's Menominee High School, where he was employed as an art teacher.

At some point in late November or early December of 2006, the Morty Shorter video clip starring John Smith was discovered on YouTube by Menominee students, who then began telling



other students about the video's existence, and soon after, the video began circulating among the rest of the student body at Menominee High School. Later still, during the extensive, sensationalized coverage of this case, and during the wrongful termination court case later filed by John Smith against school administrators, central office employees, and leaders of the Woodland County Public School division, portions of the video were aired on national television programs. Furthermore, when the video first surfaced in late November or early December of 2006, several students, as witnessed by teachers and staff members and recounted in court documents, accessed and viewed the video on school premises during academic classes. When word of the video reached administrators at the high school where John Smith was employed, Smith was confronted by school officials and placed on administrative leave on December 8, 2006.

Woodland County Public Schools' School Board members also appear to have seen the video clip of John Smith on the Morty Shorter show although it is not certain when, where, or how much of the the video was viewed. In fact, the Shapira article quotes the then Woodland Public Schools' School Board Chairman as saying [of the video segment], "It's one of the strangest things I've ever encountered in my 15 years on the board." In this particular article, John Smith also provides a reason for his disguise: "I do have a real job...I don't think they'd be too understanding if I was also the guy who painted with my [rear]."

An Associated Press wire report published on December 13, 2006 reveals that John Smith contacted the local office of the American Civil Liberties Union on the afternoon of December 8, 2006 (the date of his suspension), saying that "school administrators had suspended him with pay for five days as a painter and that he could face further punishment" ("School Spanks Teacher", 2006). In that same article, Donna Masters, the Woodland County Schools' spokeswoman at the

time the video surfaced in 2006, confirmed Smith's suspension to reporters but declined to address it further, saying only that "[i]n the school system, personnel regulations state that teachers are expected to set an example for students through their personal conduct." She continued, "[a]dditionally, the Supreme Court has stated that schools must teach by example and that teachers, like parents, are role models." This AP wire story also revealed that "this is not the first time Smith has faced potential problems because of his extracurricular activities. Three years prior, in 2003, Smith had contacted the ACLU after he was told school administrators were unhappy about his paintings, but no action was ever taken... It is unclear why administrators decided to take action now."

A *USA Today* Offbeat Section article, "School Troubled Over Teacher's Butt Art", dated December 12, 2006 quotes a former student, Heaven Thornton, as saying that many students previously knew about Smith's paintings; however, the YouTube video had recently made the rounds and "got everybody buzzing." Thornton also remarked that many students were not in agreement with Smith being suspended. "It was simply him expressing himself and his art, and it had nothing to do with school — he wasn't advertising," she said (Gelineau, 2006). According to the article, on the opening page of John Smith's now-defunct web site, Smith explained that he first began painting using body parts "a few years ago when [while taking a class] he was told to find an organic item to use as a stamp for a class painting assignment." (I also read in this article that the prices of Smith's paintings range from \$600 - \$900, with his most popular piece, "Tulip Butts," listed as the most expensive offering. Other newspaper articles confirmed the pricing of Smith's unique artwork.)

A January 10, 2007 Associated Press article, "Butt-Printing Art Teacher Fired From High School," revealed that the "[Woodland County] School Board, in a unanimous vote, decided to

terminate [John Smith] at a meeting Tuesday night.” (Woodland County Public Schools’ tenured superintendent recommended termination for the teacher, who at that time, had been employed by the district for approximately 7 ½ years. The Woodland Public Schools’ School Board agreed with the superintendent’s recommendation and voted on the matter during a closed-door session. According to the article, the Board “reasoned that students have a right to receive their education in a positive learning environment free from distractions and disruptions” according to Woodland County Public Schools’ spokeswoman, Donna Masters. Masters added that “the school system operates under an ideal that holds respect, responsibility, honesty and accountability as core values for all students and employees to abide, and the board clearly felt that Smith had gone outside of those parameters with his art.”

### **The School Board’s Response**

As part of my artifact search, I also read through approximately seven years of monthly Woodland County Public Schools’ School Board Meeting Minutes, dated from November of 2006 (the month before the John Smith case broke in the news) through June of 2013 (one year after the adoption of the “Use of Social Networking Sites by WCPS Employees” policy) which were available through the BoardDocs database on the official Woodland County Public Schools’ website. I was searching for any mention of the John Smith suspension and firing, and I was also looking for any references to social media websites or policies relating to social media use. As a general rule, Woodland County Public Schools’ personnel issues are considered confidential, and such topics are therefore routinely conducted during closed Board sessions during part of the regularly scheduled Woodland County School Board meetings. Specifics from these closed sessions are not routinely, if ever, released to the general public, and most meetings begin with the closed door personnel session for which no meeting minutes are provided or posted to the

WCPS' School Board's website for public review. However, much to my surprise, the minutes of the Woodland County School Board, dated January 9, 2007, include published remarks regarding John Smith's termination that were made during the beginning of the open session by the Chairman of the Board. His complete statement reads as follows:

This was a difficult decision for the Board for a lot of reasons. One of the things we wanted to make very clear was that, in our opinion, we feel that every employee must understand that behavior-outside of the school-can indeed impact or destroy their ability to be a role model in their position as a teacher in Woodland Public Schools, especially under the Core Values that we have adopted. As such, this is the reason for the motion tonight. It is not reasonable, in this Board's opinion, to think that in 2003 the technology was that much different to not expect that this information would not follow into the classroom and be disruptive. It is not the art that this Board is acting on tonight; it is the the disruption in the classroom.

In addition to the Board Chairman's statement, the Board minutes also deviated from normal practice by listing by name the Board members who voted unanimously to terminate Smith's contract. The minutes also reveal that one female Woodland Public Schools' Board member made the motion for Smith's termination and added that the reason was for "conduct unbecoming a teacher in this system."

### **John Smith Goes to Court (aka: *Smith v. Woodland County School Board*)**

In addition to locating the newspaper articles, my Google search turned up official court documents, including court exhibits, that pertain to a civil lawsuit filed on October 4, 2007, in

the Richmond Division of the Eastern District of Virginia, United States District Court, by John Smith, represented by ACLU of Virginia lawyer, Rebecca Glenberg, against his former employer, Woodland County School Board, his former principal, William Byrd, and Assistant Superintendent for Human Resources, Sawyer Forest for “for depriving Plaintiff of rights secured under the Constitution and laws of the United States; retaliating against Plaintiff for his exercise of constitutionally protected speech; and for refusing or neglecting to prevent such deprivations and denials to Plaintiff.”

In his complaint, John Smith alleged that former school officials were aware of his “Jerry Smith” persona and the artwork he produced under that pseudonym. According to Smith, on or around March 4, 2004, the former principal of Menominee High School, Daisy Harris, and other school administrators learned of Smith’s (now defunct) website, [www.buttprintart.com](http://www.buttprintart.com), where John Smith offered his paintings, created using body parts – namely, his buttocks and genitalia – for sale. Smith’s complaint alleges that his website and the television appearance from the Morty Shorter show were viewed by members of the district’s Human Resources Department, and “after Plaintiff volunteered to remove three photographs from his website, the Woodland County Public Schools’ Human Resources’ personnel completed the investigation, and no further action against John Smith, other than placing a letter in Smith’s personnel file, outlining his agreement to remove three pictures from his personal website, was taken at that time. In addition, Smith’s complaint continues, “Principal Harris informed Plaintiff that no disciplinary action would be taken towards [him].”

Court documents filed by John Smith’s attorney also claim that on December 8, 2006, Woodland County Public Schools’ Assistant Superintendent for Human Resources, Sawyer Forest, informed Smith that all of the information concerning Smith, his artwork, his website,

and the YouTube video would be forwarded to the School Board for their review. At that time, Forest allegedly also told Smith “that he [Forest] knew what the school board’s decision would be, and that teachers had in the past been dismissed for lesser infractions.”

In one of the publicly-available court exhibits, a letter from Forest to Smith dated December 11, 2006 states, “Forest informed the Plaintiff that he was suspended for ‘engaging in activities that have created a significant disruption to the school/classroom environment.’” In a subsequent letter from Forest to Smith, dated December 18, 2006, Forest amended the reason for Smith’s suspension to “your appearance and behavior as displayed on the YouTube Internet site [...] is vulgar, [...] is conduct unbecoming a teacher, and [...] has caused disruption in the school.”

### **The ACLU Makes a Statement**

My Google search also produced a link to a statement dated December 14, 2006, and posted to the ACLU website at 1:56 p.m. on the same day. ACLU Executive Director, Ken Willis weighed in on the growing controversy surrounding Smith’s suspension “in response to numerous inquiries.” Willis called John Smith’s paintings “nonrepresentational abstracts that also rely on paint transferred from body parts for their shape and texture.” Willis also asserted that “[t]he school has apparently been aware of Mr. Smith’s paintings since at least 2004, but suspended him only after students discovered, and began talking about, the 2003 video “in which a disguised Smith used his buttocks to “transfer paint to a partially completed canvas.” Willis concludes his statement by saying “[w]e believe that school officials are overreacting, perhaps even fanning the flames of this matter. If Mr. Smith had not been suspended, the resurfacing of this old video would have probably just created a two or three-day buzz before dying out altogether.”

## **John Smith and WCPS School Board Come to Terms**

My Internet search also revealed a statement regarding a settlement made in the John Smith civil lawsuit published in a small, local, weekly newspaper. According to this article, on March 6, 2008, the Woodland County School Board agreed to settle the John Smith civil suit for \$65,000. The suit was officially dismissed with prejudice (meaning this particular case can never be re-examined or re-opened), by Federal Court Judge Robert E. Payne on April 9, 2008. The newly-elected chairperson of the Woodland County School Board, issued a statement which read in part, “The Woodland County School Board stands behind its 2007 decision to dismiss an art teacher from Menominee High School. The school board strongly believes that its decision was justified based on its core values and the disruptions in the classrooms. The board does not admit any liability...[s]ettling this case ends this matter and allows our school staff to focus on their primary mission of providing quality education to the children of this county.” (*The Woodland Observer*) Although the case was settled out of court with prejudice and the Woodland County School Board denied any wrongdoing or liability in dismissing Smith, the story of the “butt painter teacher” continues to circulate among the Woodland community and world at large: the third paragraph in a current (September 2016) Wikipedia entry entitled “[Woodland] County Public Schools” includes the heading “The John Smith Controversy.” Even now, when people inquire about my research, and I tell them it involves John Smith, most lay people and career educators alike look at me quizzically and ask, “Wasn’t he the guy who was fired because of his butt paintings?”

As for John Smith, court documents filed in his civil case list Alabama as Smith’s current state of residence. An internet search of Smith’s name revealed that a website for which he was listed as the previous owner, [www.buttprintart.com](http://www.buttprintart.com), has been switched over to a site that is

written entirely in Chinese characters. No photographs are available on the site. A search of Smith's pseudonym, Jerry Smith, led me to two current references. Smith is mentioned on a page that was last updated on March 16, 2016 entitled "Beautiful Artwork Created Without Hands" in the Arts and Designs" section of hubpages.com. It appears that Smith may still be painting in his unusual manner. As of September 11, 2016, a painting of poppy flowers, designated as having been painted by "Jerry Smith" is listed on AZooNY.com, "an artist promotion and directory website", where Smith is described as using "established conceptual art practice and visual perception to evoke an individualized viewer experience. His provocative body-based works explore the human condition, issues of public concern and the role of the artist in today's society."

## **Part II: The Emergent Policy Discourse**

In continuing my search for relevant artifacts to try to explain the reason behind the development of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy, I also came across a reference to a strategic plan developed by the WCPS' superintendent titled, *Woodland County Public Schools' Design for Excellence: 2007-2013 Strategic Plan*. I also consulted with current members of the WCPS' School Board to better understand the development, interpretation, and implementation of the policy. This part of the narrative is conveyed in two parts: that which tells the story through the written discourse and that which was communicated verbally.

*Woodland County Public Schools' Design for Excellence: 2007-2013 Strategic Plan* was adopted by the Woodland County Public Schools' School Board on December 11, 2007 before being modified by the Board in June of 2008 and again in June of 2009. It was created as part of the newly-hired superintendent's master plan for the division. At the time of this writing, it is currently undergoing updating as *Woodland County Public Schools' Design for Excellence 2020*,



a process that will be overseen by new leadership as the current superintendent (hired in 2007) announced his retirement, effective at the end of the 2015-2016 school year. On March 22, 2016, the Woodland County Public Schools named Dr. Thomas D. Street as its new superintendent. Street will take the helm in July of 2016, and it is conceivable that, under his direction, Woodland County Public Schools' visions and goals may be revisited and revised.

While reading through this document, I noted several areas of interest with regard to Internet usage/technology and policy recommendations. On page fourteen (Appendix C) of the *Woodland County Public Schools' Design for Excellence: 2007-2013 Strategic Plan*, background information for the development of a vision for 2012 and successive years for Woodland County Public Schools is provided. Noted futurist, Mr. Ed Barlow, addressed the Board in 2002 and identified key areas of major change that he felt would impact Woodland County Public Schools over the next several years. According to the document, "the Board became keenly aware of several major changes and their implications for the future of our students and their education, including but not limited to "[e]thics will be challenged as changes in technology enable us to create and reinvent in ways never before anticipated." Accordingly, the vision eventually created "calls for all Woodland SCHOOLS [sic] to be 'thriving, dynamic, and inspiring educational environments... a phrase designed to convey the need for continuous growth and improvement that responds to changes in the community, the workplace, and the world" (p. 14).

To support the newly-created vision of the school system, the Woodland County Public Schools' School Board then crafted a set of "Beliefs and Goals," among them the belief that "[t]rusting relationships and our core values – respect, responsibility, honesty and accountability – foster learning" and the goal of maintaining "[s]afe and supportive learning environments."

Included in the last section of the *Woodland County Public Schools' Design for Excellence: 2007-2013 Strategic Plan* is an audit summary provided by Curriculum Management Audit© which “holds the system up to scrutiny against predetermined standards of quality, notes relevant findings about the system, and cites discrepancies from audit standards” (p. 80). The audit report contained nineteen areas in need of improvement “for which auditors [offered] reasonable recommendations related to the identified areas of need” (p. 81). In the Standard One analysis of the division’s management, the summary notes that “[p]olicy direction is in need of updating and revision, primarily because desired policies are absent or are not specific enough to provide the direction needed...[u]pdating and/or clarifying policies will provide clearer direction to the division leaders and to the organization as a whole” (p. 81).

At the time of John Smith’s termination, the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy did not exist. As confirmed in the summary notes from the audit of the *Woodland County Public Schools' Design for Excellence: 2007-2013 Strategic Plan*, some current division policies were noted as being in need of “revision” and clarification in order to “provide clearer direction to the division leaders.” The comments made in 2007 are in almost direct contradiction to those made earlier by another third party, who conducted an efficiency review of the entire Woodland County Public Schools’ division shortly after the John Smith episode broke in the national news. Because no social media policy for WCPS’ employees was in effect at the time of Smith’s firing, which would have made his firing less subjective, and given the inconsistent reports regarding the thoroughness of WCPS’ policies made by organizations outside of the WCPS, it appears that WCPS targeted this particular area for policy development.

In the 2004-05 school year, a year after some school leaders learned about John Smith’s

unusual painting technique and the website where he sold his creations, the State of Virginia began a school efficiency review program in which outside contractors were hired by the state to conduct audits “to ensure that non-instructional functions are running efficiently so that as much of the school division funding as possible goes directly into the classroom, and to identify savings that can be gained in the school division through best practices.” School divisions who chose to participate in an efficiency review were required to pay 25% of the cost, and the review of Woodland County Public Schools was conducted by MGT of America in September of 2009. A final report was issued on March 26, 2009, and a PowerPoint presentation was conducted by MGT at the March 26, 2009 Woodland County Public Schools’ monthly School Board meeting.

As a part of the audit, MGT reviewed, among many documents, Woodland County Public Schools’ School Board policies and personnel handbooks. While MGT specifically noted that Woodland County Public Schools lacked and therefore needed to create (or, in some cases, align) policies in its Bus Transportation Department, no such policy recommendations were suggested for the Human Resources or Technology Management Departments. Rather, WCPS was specifically commended for its *Woodland County Public Schools’ Design for Excellence: 2007-2013 Strategic Plan* as well as for having “develop[ed] and implement[ed] research-based professional growth, evaluation and development instruments, and processes and procedures to improve the capacity and ensure the capability of its workforce”)

### **Part III: The Spoken Policy Discourse**

As explained in greater detail in Chapter Two, my contact with representatives involved with the policy development and implementation was limited to the three current Board members who agreed to be interviewed. All three representatives are relative newcomers to the Woodland County School Board, having been elected to serve four-year terms on November 3, 2015.

Because of their professions, all three –Mr. Jones, Mr. Parks, and Mr. Brown –have extensive experience developing, interpreting, and/or implementing policies. Two participants agreed to meet during regular business hours at local coffee shops or cafes in Woodland County; the third participant requested that I meet with him during his lunch hour at his office located in the downtown area of a city located near Woodland County.

### **Background of the Participants**

Mr. Jones is a 49 year-old retired Navy Intelligence Officer who currently works as a Department of Defense contractor. Mr. Jones currently has two older children who attend Woodland County Public Schools. He earned two bachelor's degrees and a master's degree in technological systems. Mr. Jones moved to Woodland County in 2005 following his retirement from the Navy. In determining a place to hold the interview, I offered to drive to his place of employment, and Mr. Jones responded in a February 4, 2016 e-mail, "Don't think u [sic] want to come by my office as I work inside the Pentagon." Mr. Jones also contacted the researcher the morning of the February 5th interview via e-mail stating that he needed "to slide the meeting by 15 minutes" because he needed to pick up his daughter from school. At 3:13 p.m., Mr. Jones, accompanied by his teenage daughter, met me at a local Starbucks in Woodland County. He indicated that he might need to pause the interview because he was expecting an important business phone call, but the call was not received during the course of the interview.

At the beginning of his interview, Mr. Jones stated that he was "new to the Board, [and] excited to serve." The tone of the interview was relaxed and conversational; however, Mr. Jones, perhaps given his background in the military, seemingly answered my questions as briefly and to the point as possible, sometimes even responding to open-ended questions with a "yes" or "no." He rarely elaborated upon his answers with personal examples or anecdotes. Additionally,

throughout the interview, Mr. Jones kept looking at his watch, as well as his sixteen-year-old daughter, who was seated at a nearby table, giving the researcher the impression that he was pressed for time.

Mr. Jones was most forthcoming at the conclusion of the interview, when, after asking me who else I had interviewed or intended to contact for an interview, he offered to speak to two current School Board members, who had not returned my many calls or e-mails, on my behalf. He told me that he “couldn’t understand why” the two current Woodland County School Board members would be hesitant to speak to me. “I’m meeting with Debbie [the current Woodland County Public Schools’ School Board Chairperson] tomorrow...I’ll mention that we spoke and that you have just a few questions that won’t take much time.” Mr. Jones also inquired as to which former WCPS’ School Board members I was interested in speaking with, and he offered information, even making brief notes by and starring those former members he thought would be “most forthcoming” and “helpful.” I asked him if I could use his name when contacting current and former Woodland County Public Schools’ School Board members, and he readily agreed. Mr. Jones then made sure that he had my correct contact information (cell phone number and e-mail address), and because he had volunteered on his own to help, I left the interview feeling optimistic that I had an “insider” who would assist me in reaching some of the more reticent Board members. Unfortunately, even though I reminded Mr. Jones of his kind offer to assist me in my thank you e-mail (sent the day after the interview) and also mentioned this later in a handwritten thank you note, sent via the official school board address a week after the interview took place, I did not hear from him again.

The second participant, Mr. Parks, has lived in Woodland County since his family relocated to the area because of his father’s new job approximately 28 years ago. Mr. Parks

attended Woodland County Public Schools for most of his elementary school, all of his middle school, and all of his high school education. Mr. Parks is currently the director of an educational think tank affiliated with the University of North Carolina whose mission is “to help political leaders develop a deeply-rooted vision for educational improvement.” Mr. Parks is also a former teacher for Woodland County Public Schools; and he served as a middle school assistant principal and principal in the district for four years. In 2006, as a member of the Innovation Team for Safe and Supportive Environments, Mr. Parks was one of the “240 internal and external stakeholders” who created the *Woodland County Public Schools’ Design for Excellence 2007-2013 Strategic Plan*. I discovered his name in the list of committee members approximately one month after our interview. Mr. Parks also previously served in a powerful position in Virginia politics from 2011-2013. Mr. Parks has extensive policy development and implementation knowledge, holding a bachelor’s degree, a master’s degree, and a doctorate in educational leadership. He has two children who attend schools located in the Woodland County Public Schools’ division.

Mr. Parks e-mailed me at 5:22 p.m. on the day before the scheduled 11:00 a.m. interview on February 10 to ask if it was “possible to do a phone call?” to which I answered, “yes.” On the morning of February 10, Mr. Parks e-mailed me again at 10:22 a.m., offering to meet in person [at the previously appointed time of 11:15 a.m.], adding that he could only spare “30 minutes due to another meeting.” Mr. Parks and I met at a local Panera Café in Woodland County. Mr. Parks arrived ten minutes late and was talking on his cell phone when he initially sat down for the interview. Mr. Parks seemed reluctant, even hesitant to answer any question in detail, until I reassured that his name would not appear in the study.

Approximately one month after meeting and interviewing Mr. Parks, and within two days

of discovering Mr. Parks was a participant in the development of the *Woodland County Public Schools' Design for Excellence 2007-2013 Strategic Plan*, I e-mailed him to see if he would be willing to discuss his role on one of the *Strategic Plan* subcommittees. In contrast to my earlier contact with Mr. Parks, in which he characteristically answered my e-mails within 24 hours of receiving them, there was no response to that e-mail or any subsequent e-mails that I sent to him.

The third interview participant, Mr. Brown, has lived in the immediate area since he began attending law school at a local university in 2005. During his interview, Mr. Brown indicated that he moved to Woodland County approximately seven years ago. Prior to becoming a lawyer working in a private law firm, Mr. Brown was employed as a research analyst at the Office of National Drug Control Policy. Earlier in his career, Mr. Brown worked as a therapy technician for autistic children. The youngest of the three interview participants, Mr. Brown has four children, three of whom are currently enrolled in Woodland County Public Schools. He indicated that he always knew that he wanted to run for a seat on the Woodland County Public School Board, but he thought that it would be “years down the line” until his neighbor announced his retirement from the Board and asked Mr. Brown to consider running for his seat.

After initial contact with Mr. Brown, all arrangements were handled by e-mail by his executive assistant. After initially agreeing to an afternoon interview on February 5, 2016, Mr. Brown's assistant e-mailed me the evening before to reschedule. Through an exchange of e-mails, a new interview time was set for 1:00 p.m. on February 12, 2016. Mr. Brown was at lunch when I arrived at his office at 12:50 p.m. on February 12, 2016. He returned at 1:16 p.m., and the interview began at 1:23 p.m. in his firm's conference room. As Mr. Brown and I were walking to the conference room to begin the interview, he was approached by a colleague who asked if he wanted to sit in on a phone conference call. Mr. Brown seemed conflicted; however, he told his

colleague that he had a “previously scheduled meeting” and kept our appointment. The tone of the interview was professional and instructive. Mr. Brown appeared to choose his words carefully and seemed especially interested in helping me understand the definition of moral turpitude, explaining that he was “very familiar with that term” because of his previous experience with immigration law. The moral turpitude discussion lasted approximately 9 minutes (or 14%) of the 63-minute interview.

At the conclusion of the interview, Mr. Brown offered that he would be seeing his neighbor, the former WCPS’ Board member who had encouraged Mr. Brown’s candidacy as his hand-picked successor, at a social engagement “in the next week,” and suggested I send him my contact information again. Then, Mr. Brown would pass it along to his predecessor. Within an hour of the interview’s conclusion, I e-mailed Mr. Brown with my e-mail address and phone number. However, I was never contacted by Mr. Brown or the previous Board member to whom he referred. After locating the business e-mail address and business mailing address of the former WCPS’ Board member, I e-mailed the former Board member on the afternoon of March 15, 2016. I then wrote the former Board member a handwritten note and mailed it on March 18, 2016. In both the e-mail and handwritten correspondence, I indicated that I had met with Mr. Brown and that Mr. Brown had mentioned that he would pass along my contact information to him. Unfortunately, I never received a response to either of my inquiries.

### **Description of the Interview Process**

To start the interviews, I used a predetermined set of open-ended interview questions (Appendix B) determined by developing three over-arching objectives; however, once I felt trust with the interview participant was established, I encouraged the participants to expand upon their answers and provide additional related commentary. Interview lengths ranged from 21 minutes



(Mr. Jones) to 63 minutes (Mr. Brown), with an average time of 39 minutes. The length of the interview depended upon the participant's availability and was also determined by the elaboration of answers by the participant. For example, Mr. Jones was succinct with his answers, and, probably given his military intelligence background, seemed the most guarded in his responses, sometimes answering open-ended questions with a few words. Mr. Smith, who initially told the researcher that he could only meet for 20-30 minutes because of meeting obligations, was the most forthcoming of the three participants, frequently including anecdotes and personal examples. He was also the most concerned with keeping his name and identifying information out of the study documents. In his interview, which lasted the longest of the three, Mr. Brown took great pains to explain the legal definition of terms to the researcher, offering information about case law and legal documents for reference.

As described in greater detail in the methods section, the recorded interviews took place during a one-week period in the spring of 2016. I also took handwritten notes during, and created more formal research memos after, each interview to capture my impressions, provide context for answers, and strengthen believability. The spoken discourse is organized according the objectives of the interviews. The three objectives were:

**Objective 1:** To better understand how policies in general are developed by the Woodland County School Board.

**Objective 2:** To gauge the interview participants' knowledge and own use of Facebook and/ or any other social networking sites.

**Objective 3:** To determine if Woodland County Public Schools uses the "crime of moral turpitude" clause found in the Code of Virginia and to understand participants' level of knowledge about "crime[s] of moral turpitude."

## **How WCPS' Policies are Developed**

The interview participants are current members of the Woodland County Public Schools' School Board. Therefore, they are tasked with developing, revising, approving, and overseeing the policies that affect every aspect of Woodland County Public Schools. While these current members were not directly involved in the creation of the specific policy under examination in this study, they have different perceptions as to why this policy exists and how policies in the division are developed. Mr. Jones said that he felt "Woodland County Public Schools was proactive in developing policies." He went on to explain that there is "a lady on staff at the Central Office" whose job it was to write policies. He also declined to speculate about what, if anything, had brought about the development of the "Use of Social Media Networking Sites by WCPS' Employees." When asked about how the Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy came about, and if a specific incident could have led to its creation, Mr. Brown answered:

I looked at the policy after you contacted me. I'm trying to think back. I don't know that answer. We've always had an acceptable use policy, but I imagine that this came up with the 1:1 [Chromebooks] initiative. I know, having been a principal, it's a way of life now, to stay in front with an all-encompassing policy, especially when you are knowingly deploying technology in a social media environment. Having worked in the governor's office, specific instances are not necessary in your hometown. You see something, and you think that could happen here, and we need to get ahead of it. Personally, I think that bullying probably played a role.

Mr. Parks seemed quite familiar with and confident about the policy development process in Woodland County Public Schools, explaining that “someone in Administration adds an agenda item [to the School Board Meeting Agenda], then the School Board can recommend that it go to the Policy Review Committee, and usually it comes up for review in a School Board work session where the reasons behind it and any alternatives are discussed.” Mr. Parks also stated that policies are needed to keep “everyone on the same sheet of music” and that Board policies are “reviewed regularly.” Mr. Parks, citing his recent election to the School Board, said he was not familiar with the “specifics” of the Woodland County Public Schools’ “Use of Social Media Networking Sites by WCPS Employees” policy, nor was “up to speed yet” regarding details about how policies are created in Woodland County Public Schools. When I directly asked Mr. Jones what he perceived as the reason behind the creation of the “Use of Social Media Networking Sites by WCPS Employees” policy, he declined to answer and asked to move on to the next question. Also, when asked the same question, Mr. Park remarked that because he had not been on the WCPS’ School Board at the time the policy was being developed, he was “uncomfortable speculating.”

During their respective interviews, I asked each participant directly if he had heard about the John Smith case and if he thought that particular situation had anything to do with the creation of such a detailed, thorough policy as Woodland County Public Schools’ “Use of Social Media Networking Sites by WCPS Employees” policy. Although all three participants were residents of Woodland County in December of 2006 and January of 2007, and keeping in mind that the John Smith “butt painter” story reached the level of national news, I was surprised when each interview participant directly denied any knowledge of John Smith, his artwork, his termination, or Smith’s lawsuit and subsequent settlement. I was particularly surprised that Mr.

Parks, who had been a middle school assistant principal and then middle school principal in Woodland County Public Schools during the 2006-2007 school year stated that he had no recollection of the case.

In each interview, I also asked each participant if they were aware if the “Use of Social Networking Sites by KSCPS Employees” policy had been used to discipline employees. I wanted to know if any infractions been recorded, and if so, what was the nature of those infractions, and how were they handled. Each of the interviewees, most likely because of their professions, declined to answer my question. Mr. Jones, in particular, responded, “I would not be at liberty to discuss any personnel issues” while Mr. Brown explained that “that type of information would be confidential.”

Because I also wanted to know if the “Use of Social Networking Sites by KSCPS Employees” policy had been revised or modified since its initial adoption, I searched through the Woodland County School Board minutes, dated from the month of the policy’s adoption in June 2012 through October 2016, in the BoardDocs section of the Woodland County Public Schools’ website. There was no mention of any revisions to this particular policy in any of those meeting minutes. In addition, when a WCPS’ policy is modified, a revision date is typically found underneath the policy’s adoption date. In searching through the “Active Policies” section of the School Board Documents for the most current version of the “Use of Social Networking Sites by KSCPS Employees” policy, I found no such notation listed.

### **Understanding and Use of Social Networking**

When participants were asked about their own knowledge and use of Facebook, Mr. Brown and Mr. Parks revealed that they currently had Facebook pages related to their “official” School Board positions, where they regularly communicated with and update their constituents

with relevant Woodland County Public Schools' information or events. No personal Facebook pages could be located for Mr. Brown and Mr. Parks. Included on Mr. Brown's and Mr. Park's respective School Board Facebook walls were posts made by them and showing them participating in official activities at various schools in their districts. Mr. Jones acknowledged knowing about Facebook, but, as the most circumspect of the three interviewees, he was vague about whether or not he participated on social media websites. There was archival information, however, that suggests that Mr. Jones had a Facebook page related to his School Board campaign. As of July 31, 2016, the page appears to have been made inactive or was been disabled. I was also able to locate a Facebook page for Mr. Jones that appears to be a hybrid page that contains personal family photos (in particular, photos of Mr. Jones fishing in 2009 and attending a military ball in full uniform with his wife) but also displays Woodland County Public Schools' flyers and videos, including a photo of Mr. Jones speaking at the Woodland County PTA Forum in October 2015 to promote his campaign for the School Board. An additional photo depicts Mr. Jones being sworn in as a school board member. In discussing his own use of Facebook, Mr. Brown explained:

I just got onto Facebook because I ran for the School Board. I was not on Facebook before. I think that there is nothing good that comes from Facebook. Uh...but now I've become a little bit more aware of the broader good it can do in communicating the message, sharing some insights about your thinking.

No personal Facebook page could be located for Mr. Brown.

Likewise, I could not find a personal Facebook page for Mr. Parks, although Mr. Parks offered that he "used Facebook during the campaign" and that he was currently "[Facebook]

friends with teachers and principals.” He also explained that one of his children’s elementary school has “an amazing Facebook page” and that at the elementary level, “Facebook is a great opportunity to communicate with parents about snow days, for example.” Mr. Jones explained that, in the past, his wife had been Facebook friends with “some of our kids’ teachers” but that once he decided to run for the School Board, she had de-friended them. Because I had expected him to elaborate on his answer, I neglected to ask a probing follow-up question in order to determine the reason for the “de-friending,” and Jones did not offer any further commentary as to why his wife had taken this step. I do not know whether or not Jones had asked his wife to do this, or whether she had taken it upon herself to cull her children’s teachers from her list of Facebook friends. I also do not know whether this action by Jones’s wife had any subsequent ramifications or reactions from the teachers who were “de-friended.”

### **Holding Teachers to Higher Standards**

When I asked whether or not teachers should participate on social media networking sites, Mr. Jones declined to answer the question and asked to move on. Mr. Parks suggested that teachers “need to remain positive on social media” but also acknowledged that “teachers can have appropriate conversations with another adult” but that they “need to be sensitive in their direct contact with students.” Mr. Parks also admitted that “some people get offensive with others...social media is hard to control because it’s easy to type something and press enter” and that some teachers do “behave inappropriately” on social media and that teachers “have to keep in mind how many are seeing it, who is seeing it – they should assume that the most sensitive member of the community is seeing it.”

Mr. Brown shared a different perspective:

Now, a lot of people won't agree with me. If we get directly

into it, if I see a teacher who has directly put something on Facebook, or has posted something, or has made a Twitter comment that questions maybe the decision of a principal or, uh, questions parents, [for example,] I don't know why this parent said this, to me, we've got to reprimand that behavior. We can't have teachers out there using – because when people read those, that's a teacher, which means that's an employee, which means that's the school division, and I don't think – I never struggle with separating the two. For me, I always saw me as an ambassador for the school, and I don't think that everyone sees it that way. So, yeah, you have to have policies that protect the greater good.

When each of the three interview participants was asked, as a follow up question, if teachers should be held to “a higher standard,” Mr. Brown, who at one time was a teacher, assistant principal, and principal in Woodland County Public Schools, asked. “Where is this study going, again?” and then, after being assured of confidentiality by the researcher, Mr. Brown answered:

Personally, I think so. For me, when I went out into the community – when I was a classroom teacher, and I went out into the community, I was 22 or 23, and you remember how life was without kids. You want to enjoy life. You want to go out on the town, to have a beverage... but, for some reason, and it always annoyed my friends, I had a social awareness, an appreciation for my role in the community beyond. I was always – always sensitive. Honestly, I didn't want people to see me out wearing shorts. I just started, in the past few years, feeling comfortable

wearing shorts and flip-flops in the community. So I had this – I always felt this certain pressure to dress a certain way, [and I] never wanted to drink in public. Never.

Mr. Jones agreed, in what seemed to be his typically terse and straight-forward manner, that teachers are held to higher standards because “teachers are role models.” Mr. Parks offered that he has a relative in the mid-west who is a teacher who “has to be careful about what he says and does – something innocent can be misconstrued.”

Interestingly, Mr. Parks was the only interviewee who asked me if I personally had a Facebook page. I explained that I did, but that I was extremely careful about what I posted on my page, and I confessed that this was probably because of all of the articles about teachers and their Facebook pages that I had read about during my research that had “ended badly.” I also made a point of making sure that Mr. Parks knew that I was careful about who I “friended” and only allowed former students to become “friends” once they had graduated from high school and were at least 18 years old.

During the course of my interviews with the three participants, each confirmed that a “crime of moral turpitude” clause was present in current Woodland County Public Schools’ teacher contracts. It came as no surprise that none of the three interview participants could clearly define the term for me or provide me with examples of situations that could be considered crimes of moral turpitude.

While Mr. Jones acknowledged that he knew Woodland County Public Schools’ teacher contracts contained a “moral turpitude clause,” when I asked him if he had knowledge of that clause being used to discipline or terminate employees, Mr. Jones told me repeatedly that “personnel matters were confidential” and that he would not be able to discuss them. Despite



several attempts to get Mr. Jones to define moral turpitude, and elaborate on his thoughts about the moral turpitude clause, he politely declined to discuss the topic any further, so I had no choice but to move on to another question.

When Mr. Brown was asked how Woodland County Public Schools defined the term moral turpitude, and how he defined that term, he responded:

It has different interpretations. Different demarcations. For me, there are times that I, uh, recall a couple of personnel decisions as a principal – one I was pushing for termination of a teacher because of some poor choices they had made in the community. The teacher ultimately resigned, lucky for me, because it probably would have been a sticky wicket. But I don't think there is a clear understanding.

Mr. Brown continued his response by saying:

Well, I don't know if you know this, but one of the issues I worked on in the Governor's office was the teacher tenure bill...we added into that to include unsatisfactory job performance because moral turpitude was a catch-all. And because it is a catch-all, it was really catching nothing. It's a slippery slope now. I wouldn't want to argue that case in a court.

When I asked how Woodland County Public Schools specifically defines the moral turpitude clause, Mr. Parks explained that “moral turpitude comes up in other areas, too; for example, in the area of immigration law, moral turpitude is something that calls into question someone's honesty and character. Fraud could be defined as moral turpitude. The INA [Immigration and Nationality Act] defines it in terms of misdemeanors and felonies. You could

also use case law to define it.” Mr. Parks also added that “moral turpitude can be subjective at the HR [Human Resources] level.” He suggested that I examine “the green book – the name escapes me now” that the INA uses and which guides U.S. immigration policy in order to better understand how moral turpitude can be defined.

To expand my understanding of Woodland County Public Schools’ interpretation of the new policy governing the use of social networking, I revisited the policy document for additional insights.

#### **Part IV: The Written Policy Discourse**

The purpose of this section is to examine the actual policy to glean additional information concerning why this policy was developed, how it is being interpreted and applied, and whether moral turpitude is being used as cause for WCPS’ teacher terminations. The full text of the policy is contained in Appendix C and is also reprinted below. Particular words and/or phrases are bolded to draw attention to some of the issues to be discussed in greater depth in Chapter 5.

### **USE OF SOCIAL NETWORKING SITES BY WCPS EMPLOYEES**

#### **A. Generally**

WCPS recognizes the value of student, teacher, parent, and community interaction on social networking sites that are **designed for specific educational purposes and directly tied to WCPS curriculum and instruction**. Collaboration, resource and information sharing, online tutoring, etc. can all be facilitated by the **judicious use** of educational internet/Web 2.0 networking tools and web pages, including, but not limited to, Facebook, Edmodo, Twitter, blogs, wikis, and other Web 2.0 networking tools.

A certified or licensed employee may communicate through electronic media with current WCPS students for **educational purposes**. All online communication **via the WCPS network or in which an individual holds him/herself out as a WCPS employee must be consistent with WCPS policies and regulations**.

## B. Establishment of Social Networking Sites for Educational Purposes

An employee may establish one or more social networking sites to be used for **educational purposes and communication**. Any such site shall have a clear **statement of purpose and outcomes** for the use of the networking tool, and a **code of conduct** for all site participants. The employee establishing the site shall: apply appropriate security settings, allow only approved participants access, be responsible for the site's content, diligently monitor the site for **inappropriate** content, and post only information related to the site's purpose that is **appropriate** for viewing by students, parents and the community at large. Employees are expected to read and understand all terms of service and privacy policies associated with the social networking sites they intend to use.

## C. Employee Use of **Personal** Social Networking Sites

In all use of personal social networking sites, employees should:

Employees shall make student **internet safety**, including the protection of **students' personal information**, a priority. WCPS therefore **does not recommend** that any employee establish an online social networking relationship with a currently enrolled WCPS student on his or her personal social networking site(s). For the protection and safety of both employees and students, employees **should consider limiting internet contact and communication** with such students to available school division-approved, work related social networking resources made available through the WCPS network.

- Maintain **appropriate professional boundaries** and your **authority** as a classroom teacher, administrator, or supervisor;
- **Practice online reputation management** by considering the personal, professional and social impact of what you post;
- Establish appropriate privacy settings to limit access to personal information contained on your social networking site;
  - Establish social networking **relationships with caution** and **consider "un-friending" those who post inappropriate content** that may be viewed on your social networking site;
  - **Refrain from inappropriate electronic communications with students;**
  - Recognize that students may not exercise good judgment and may use social media inappropriately;
  - **Avoid the appearance of impropriety;**
  - **Refrain from posting negative information about students, fellow employees or the school division.**
  - **Refrain from uploading inappropriate content;** exercise caution when posting links to other Internet or social networking sites and consider ad-free sites for hosting videos to eliminate inadvertent access to inappropriate advertisements and content.

## D. Consequences of Inappropriate Use of Social Networking

Adopted: June 26, 2012

Pursuant to Policy 5020, all employees are expected to know and are **responsible for observing federal and state laws as well as the School Board's policies and regulations** pertinent to their work activities. Accordingly, Employee use of social networking found to be in violation of one or more WCPS policies, regulations or procedures and/or in violation of any applicable state or federal law may result in **disciplinary action, up to and including termination.**

While not specifically speaking to the history or identifying the impetus behind its creation, the Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy is, when compared to similar policies in surrounding counties, exceptionally thorough. While the policy does not contain an explicit statement of purpose, the first paragraph of Section A acknowledges how "social networking sites designed for specific educational purposes and directly tied to WCPS curriculum and instruction" could prove valuable to stakeholders; the implied purpose statement of the policy can be summarized to say that the Woodland County Public Schools' School Board recognizes that appropriate social networking sites can be used to benefit both teachers and students in the educational process. Possibly to add credibility, the first paragraph of the policy specifically names popular social networking sites such as Facebook and Twitter as examples, and it includes common nomenclature associated with social media (such as blogs and wikis).

The second paragraph of Section A reminds "certified or licensed" employees that "all online communication...in which a WCPS employee holds him/herself out as a WCPS employee must be consistent with WCPS policies and regulations." That all-inclusive phrase signals a possible end of the policy; however, the ensuing paragraphs delineate further specifics with regard to how this particular portion of the policy should be implemented and interpreted.

Section B, entitled “Establishment of Social Networking Sites for Educational Purposes,” essentially grants permission for employees to use social networking sites for professional reasons, such as communication and collaboration, or in accordance with WCPS’ curriculum, as long as certain criteria are met. These restrictions include explicitly stating the reason and intended outcomes for the use of a particular site. Teachers and other licensed personnel are specifically instructed to post a “code of conduct for all site participants.” In addition, site establishers are cautioned to limit access to authorized participants, while keeping in mind that the site’s content may be viewed by “students, parents, and the community at large.”

Section C of this policy, which pertains specifically to employees’ use of personal social networking sites is the most extensive and detailed portion of the policy. While teachers and other licensed personnel are not explicitly prohibited from interacting on social networking sites, they are cautioned to set appropriate privacy settings and refrain from interacting with students on their personal sites (i.e., “maintain professional boundaries”) and are urged to consider the personal, professional and social” consequences of any posts by “practic[ing] reputation management.” It directly warns employees against making negative comments about students, co-workers, or the school division on their personal social networking sites.

In addition, Section C specifically urges teachers and other licensed personnel to exercise caution when “friending” others, even going so far as to suggest that employees should consider denying access to “those who post inappropriate content that may be viewed on [their] social networking site.” The words “inappropriate” or “inappropriately” are used five times in this section as users are forewarned about contact with students as well as the content of postings and links. Interestingly, one bullet point found in the middle of Section C reminds employees to “[r]ecognize that students may not exercise good judgment and may use social media

inappropriately.” In this section, suggestions are made regarding what type of video-hosting sites employees should use, lest they use one or link to one with unsuitable advertisements or objectionable subject matter.

Section D deals with the repercussions of violating the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy. It emphasizes the employee’s responsibility in knowing and following all pertinent policies, procedures, state, and federal laws. Furthermore, this portion of the policy reveals that employee use of social networking sites which violates one or more of the aforementioned policies, procedures, and laws “may result in disciplinary action, up to and including termination.”

The Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy does not address if or how teachers will be notified of the implementation of this new policy. It does not define what is meant by terms such as “inappropriate content,” what constitutes “professional boundaries,” or what exactly equals “due diligence” when it comes to monitoring sites. For example, is the expectation that teachers or other employees will monitor sites daily, weekly, or even hourly? Other criteria, such as the provisions that teachers and other licensed personnel “are expected to read and understand all terms of service and privacy policies associated with the social networking sites they intend to use” and that “[e]mployees shall make student internet safety, including the protection of students' personal information, a priority” are spelled out in greater detail. The term “moral turpitude” is not included in the wording of this particular policy.

After revisiting the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy, I tried to obtain a copy of a Woodland County Public Schools’ teacher contract; however, I wasn’t able to persuade a WCPS Human Resources employee to e-

mail a copy to me because (A), I was not a Woodland County Public Schools employee, and (B), my study had not been officially sanctioned by Woodland County Public Schools. Because the “crime of moral turpitude” clause has been copied verbatim from the Code of Virginia in teacher contracts for two of the Virginia public school divisions I have personally worked in, and because all three of the WCPS’ School Board members I interviewed knew of the term and acknowledged that it was a cause for teacher dismissal, I can safely presume that the “crime of moral turpitude” clause is also found in Woodland County Public Schools’ contracts.

### **Summary**

Taken together, findings revealed that the John Smith case drew unwanted national media attention to Woodland County Public Schools and the off-duty hobbies of one of its employees. My research also revealed that as early as 2002, a futurist and Woodland County Public Schools’ consultant forewarned the Woodland County Public Schools’ School Board members about the impending clash of ethics and technology, and that throughout the early to mid 2000s, he and other associations cautioned the school division about the need for updating and creating more thorough policies that provided “clarification and clearer direction for school leaders.”

In addition, through my analysis of the actual Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy, I can conclude that the overarching aim of this particular policy is to restrict and prohibit inappropriate behavior on the Internet by school employees. The word inappropriate or one of its forms can be found five times in the wording of the policy, and the lengthiest subsection of the policy contains suggested guidelines and warnings for school employees who choose to establish personal social networking sites. In addition, the consequences for inappropriate conduct by employees on their personal social media networking sites reveal a zero tolerance methodology in that “[e]mployee use of social

networking found to be in violation of one or more WCPS policies, regulations, or procedures...may result in disciplinary action up to and including termination.”

My interviews with current Woodland County Public Schools’ School Board members show that each of the interview participants uses social media (in the form of Facebook) to communicate with constituents. Two WCPS’ School Board members, Mr. Parks and Mr. Brown, revealed an initial reluctance to use social media sites, specifically Facebook, but later took advantage of the platform during their respective school board campaigns. Two members, Mr. Brown and Mr. Parks, utilize Facebook pages solely devoted to their roles as school board members. One member, Mr. Jones, mixes official school board business with his personal updates and family pictures.

My interviews with these three Board members also reveal some degree of concern with teachers using personal social media sites. Mr. Parks admitted that “social media is hard to control” and Mr. Brown suggested that teachers who post negative comments about students, colleagues, and/or their employers, “we’ve (i.e., the Woodland County Public Schools’ School Board) got to reprimand that behavior.” All three interviewees were quick to agree that teachers are and should be held to higher standards. Likewise, all three current WCPS’ School Board members were knowledgeable about the “crime of moral turpitude” clause commonly found in teacher contracts, although admittedly, one participant, Mr. Parks, most likely because of his profession as an attorney, had a great deal more knowledge about how the term should be defined than the other two.

From the lack of cooperation from other past and even current Woodland County Public Schools’ Board members, it is apparent to me that there is something about the John Smith case and/or the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS



Employees” policy itself that makes them either uncomfortable or especially reluctant to be interviewed. Other than the three interviewees, none of the other twelve former or current WCPS’ School Board members even acknowledged my repeated attempts through phone calls, e-mail, and the U.S. Postal Service to contact them.

Although this study cannot prove a direct cause-effect relationship that the John Smith case was the sole reason for the creation of the “Use of Social Networking Sites by WCPS Employees” policy, I feel comfortable stating that the case was a major contributing factor. The timetable of its development and adoption occurred within four years and three months of the settlement in the John Smith civil suit against the Woodland County Public School division. Fowler reminds us that every public policy, including every education policy, is a

response to a specific social setting that includes a wide range of phenomena studied by the social sciences: economic forces, demographic trends, ideological belief systems, deeply held values, the structure and traditions of the political system, and the culture of the broader society. Although these phenomena change over time, most of them also reveal a historical continuity. The complex social dimensions of a specific place at a particular time constitute its policy environment. (pp. 52-53)

Given that the John Smith case involved a social media website, YouTube, where viewers can upload and share videos, and that the case, and the national attention it received, especially on late-night talk shows, was an embarrassment to Woodland County Public County Schools and the KPCPS’ School Board, it seems reasonable to assume that this incident played a role in the discussion of a social media policy for the school division. Following the theorizing of Fowler

above certainly leads credence to this assumption, leaving Woodland County Public Schools' ripe for this sort of policy development.

It remains somewhat confusing to me how each of the three interviewees, each of whom lived in Woodland County or the immediate area during the John Smith national media coverage and ensuing civil case, one of whom (Mr. Brown) was employed as an administrator in a Woodland County Public School, denied any knowledge of John Smith and the cause for his dismissal. I can only reasonably conclude that either those elected to the office of the Woodland County Public Schools' School Board have been urged (officially or unofficially) to refrain from commenting about the John Smith case, or that the events involving John Smith and his part-time profession are too embarrassing for Board members and the school division to discuss. Nevertheless, even after I briefly summarized the John Smith case for them, in an attempt to refresh their memories, each of the interviewees claimed to have no knowledge of him, his termination, or his civil suit settlement.

In the next chapter, I build on this discussion and share my personal meaning-making of the findings; especially, in terms of the symbolic use of language, the ways "moral turpitude" has evolved over time, and the implications for educators and legislative bodies past and present.

## CHAPTER FIVE: INTERPRETING THE NARRATIVE

The purpose of this chapter is to go beyond description and analysis and interpret the narrative using a quotation from Mansfield (2011) as a guide:

Wolcott (1994) forwarded three major means for qualitative researchers to do something with the mounds of data that have been collected: description, analysis, and interpretation (p. 10). Wolcott (1994) compared data analysis to data processing or data management. Analysis says, “After cautious scrutiny of various sources of data, this much we know for sure...” Data interpretation goes further than analysis by making claims. Interpretation says, “This is how I understand and apply what I have learned...” Interpretation is the researcher’s attempt to make meaning of the findings. While analysis is more specific, grounded and carefully documented, interpretation is more subjective and unbounded; an attempt at identifying universals. (p. 182)

Thus, the purpose of this chapter is to push further than description and analysis and move toward interpretation. First, I unpack the discourse surrounding the John Smith case. Then, I use my background as a literary critic to further probe the language of the policy, examining the denotations and connotations of words and comparing their use in Victorian literature. Next, I critically interrogate the significance and implications of the continued use of the “crime of

moral turpitude” contract clause and teacher morality generally. Finally, I close with a discussion of implications of this study and recommendations for future research.

### **Unpacking the Discourse around the John Smith Case**

Since the purpose of this study was to better understand the underlying reasons for the development of the “Use of Social Media Networking Sites by WCPS Employees,” the John Smith case holds particular significance. Despite the national coverage of his painting hobby and his firing in 2007, each of the interview participants denied any knowledge of former Woodland County Public Schools’ art teacher. However, given the timing of Smith’s suspension, termination, and civil suit settlement, the Smith case does, in fact, appear to be one of the catalysts, if not the primary stimulus, for the development of the “Use of Social Media Networking Sites by WCPS Employees” policy.

On the one hand, there is no evidence to suggest that the development of this policy was incremental; but rather, due to a focusing event (referred to by Baumgartner & Jones, 1993 as punctuated equilibrium). On the other hand, consider for a moment that John Smith had previously spoken with his then-school administrator about his painting career approximately two years before the 2006 suspension and termination. During that meeting, Smith admitted to using a pseudonym and having a website where he promoted his odd painting style and sold his artwork. Smith’s then-principal, along with Human Resources’ employees, had viewed Smith’s website, and he was asked to remove three photographs. Smith complied, and no further disciplinary action was taken. The matter was essentially dropped, or more precisely, lay dormant for another two years until the YouTube video of the Morty Short show surfaced.

Perhaps for Smith, the lack of an official written reprimand indicated the school division’s general acceptance of his unusual second career. It may also have suggested to him, as well as

others, that, at that time, Woodland County Public Schools' administrators were conflicted as to how to best handle his unique situation. In 2004, perhaps school officials assumed Smith would be embarrassed about the discovery of his side painting career and would, as a result of their discussion, keep a lower profile online in the future. According to court records, after being confronted by school leaders in 2004, Smith contacted the ACLU of Virginia, which may also have been enough to cause the school division to back off—at least for the time being.

Regrettably for John Smith, the matter of his uncommon painting methods would resurface in a couple of years, this time by students in a different form of electronic media.

Other variables may have included the school division's development of a new, comprehensive long-range plan in response to an audit conducted by an outside organization, which noted that WCPS' policies were in need of updating. In addition, the 2006-2007 WCPS School Board may have taken a more aggressive position because this was the second time Smith's bizarre livelihood had been brought to their attention. For whatever reason, evidence suggests that the WCPS School Board, in the statement made by its' spokeswoman, Donna Masters, attempted to make it perfectly clear that Smith's First Amendment Rights were not violated. In other words, his termination was not a result of his artwork or his participation on social media; rather, it was the disruption to the learning environment that necessitated his firing. While not citing it specifically, it seems that WCPS was using the *Tinker* case as parameters for legally firing Smith (*Tinker v. Des Moines*, 1969).

But the reasoning of WCPS did not stop there. Embedded in their statement are phrases such as "positive learning environment" and "core values for all students and employees" which muddy the waters. Thus, some parts of Ms. Masters' statement lead one to ask further questions such as, "Can employees be held accountable for policy that did not exist before the so-called

infraction? Is there any case law that should have been used by John Smith's attorney to bolster his case? Do cases involving educator (mis)behavior warrant the same attention by local governance that cases such as Tinker v. Des Moines do? Or should these types of incidents be ignored by superintendents and school boards?

As noted by Executive Director of the ACLU of Virginia, Smith's previous administrator chose not to discipline him after viewing Smith's website. However, WCPS' officials seem to have escalated the whole situation by suspending and firing Smith in such a public, not to mention procedurally questionable, manner. Teenagers' attention spans are notoriously short. Perhaps, had the school division not taken such a strong stance, the Smith "butt-painting" matter would have died on its own within a matter of hours or days, especially since the timing of the video's circulation at the school where Smith was employed happened within ten days of the start of the division's lengthy winter break. It seems reasonable to believe that, with the excitement of the holidays and the need to prepare for the school division's upcoming exams, students' attention in January would have been focused elsewhere.

With regard to the "positive learning environment" statement, difficult topics, such as the Holocaust, slavery, and terminal medical conditions make up significant parts of the K-12 curriculum. These and other issues that could be perceived as negative are addressed in thousands of classrooms on a regular basis. It seems the introduction and discussion of tough subject matter, topics that are uncomfortable (to say the least) for many, innately make the classroom environment something other than upbeat and cheerful. Thus, adding language about ensuring that learning is "positive" weakens the district's position and consequent decision.

Likewise, the speech delivered by the Woodland County Public School Board chairman on the night of John Smith's firing is both contradictory and confusing. In the first few sentences of

his statement, the chairman speaks to the need for each WCPS' employee to "understand that behavior –outside of school- can indeed impact or destroy their ability to be a role model in their position as a teacher in Woodland County Public Schools." However, three sentences later, the chairperson specifically says that "it is not the art [essentially, in this case, the manifestation of Smith's behavior conducted outside of school hours] that this Board is acting on tonight; it is the disruption in the classroom."

These inconsistent, perplexing statements lead me to believe that because school officials could find no policy that specifically addressed the John Smith situation, and because, as one former employee and current Board member, Mr. Parks, suggested in his interview, the term "crime of moral turpitude" was too nebulous to successfully use in this case, Board members and WCPS' officials purposefully used language like "classroom disruption" to veil their *real* reason for terminating John Smith: his art had caused a major embarrassment to the school division, and they wanted to send a message to all stakeholders, and especially teachers, that actions which cause the school division to look bad, and forgive the pun, made the division the butt of jokes, would not be tolerated. The chairman also directly cautioned teachers about their behavior in very strong terms, such as "destroy" without defining what exactly he meant by capacity to serve as "role models."

For these reasons, it seems logical to infer that the Smith case, specifically his pushback, the involvement of the ACLU of Virginia, and his subsequent civil lawsuit, served as harbingers for the school board. There was no social media policy in place at the time, yet WCPS' administrators were faced with how to discipline an employee for off-grounds behavior that occurred on his own time and transmitted through electronic means (for essentially, the second time). Thus, rather than basing Smith's termination on a specific school board policy, the district

chose to fall back on colloquial terms such as “role model” and “positive environment” despite the fact that these terms are not specifically detailed in teacher contracts.

School officials might have hoped that Smith would resign from the school division and fade quietly from public view. And although a WCPS Human Resources representative told Smith that teachers had been dismissed for lesser infractions in the past, Smith chose to stick around and fight, hiring lawyers and filing suit. In 2006, the WCPS Board reacted swiftly; but in their haste, they appear to have fired Smith without invoking any policy which supported their actions. It could even be argued that that the WCPS’ School Board held Smith accountable to policies that were either too vague or didn’t exist. Hence, this may have accelerated their quick, but minor in terms of monetary amount, settlement with Smith.

It seems likely that in an attempt to circumvent additional lawsuits in the future, protect what was left of the the school division’s dignity, and blunt any criticism over their handling of the Smith matter, school leaders and Board members set out to formulate a detailed policy that would directly and succinctly address similar issues in the future. Perhaps the Board came to the realization that Smith had held accountable for a policy that didn’t actually exist or wasn’t nearly specific enough. As Mr. Parks revealed in his interview, Woodland County Public Schools already had an “acceptable use” policy for electronic communication in place in 2006, but something major seems to have served as the impetus behind the creation of such a detailed and specific policy, and it is reasonable to conclude that the Smith case was that stimulus. What also remains unclear is whether or not the “Use of Social Media Networking Sites by WCPS Employees” has ever been used to discipline teachers and staff members.

### **Probing the Language Used in the Policy**

Because I hold a Master’s degree in English Literature and have taught college-level



writing and literature courses at a local community college, I constantly pay close attention to word choice in virtually anything I read or listen to. I also know understand that writing is a craft, and word choice involves deliberate selection; when analyzing writing of any kind, I believe that word usage cannot be ignored. Rather, it should be thoroughly examined. Because it comes somewhat naturally to me, I especially enjoy deciphering policy language, and thus, I have found myself using a type of literary criticism as an additional way to interpret the “Use of Social Networking Sites by KGCCPS Employees” policy. In my case, my extensive study of feminist-centered Victorian literature in my Masters program, as well as my gender, certainly enter into the following discussion. After all, “a text’s meaning derives also from what the reader brings to it.” (Yanow, 2000, p. 17).

My reader-centered interpretation of the policy clearly showed what I believe to be a bias against women. For example, I found at least three specific phrases with patriarchal word connotations in the “Use of Social Networking Sites by WCPS Employees” policy such as, reputation management, establishing relationships with caution, and avoiding the appearance of impropriety. I connected specific word usage and phrases found in the actual policy to terms commonly found in Victorian novels, such as those written by Jane Austen and Kate Chopin, in which naïve female protagonists, who were exerting their independence (something that was intensely frowned upon during that late 19<sup>th</sup> century) were cautioned against behaving in a certain, unladylike manner. For reference, and so that the reader can more readily follow the arguments being made in the following section, excerpts of the actual text of the policy are included. Additionally, in the next paragraph, I explain terms and procedures relevant to understanding my approach to reading and understanding the policy text.

I specifically examined Section C of the “Use of Social Networking Sites by WCPS

Employees,” which directly addresses the behavior of teachers, through repeated close readings of the text. I honed in on specific words and then utilized word connotations and denotations<sup>1</sup> to decipher possible underlying meanings. For example, if one looked up the definition of home and the definition of house in the dictionary, he or she would find very similar if not exactly the same denotations referring to a dwelling in which people live. However, the connotations associated with the words home and house are quite different. For many, mention of the word home is linked to fond memories of family members, traditions, and celebratory events. For most, the word house is more closely related to the actual structure in which people live.

The first phrase, which states that teachers are expected to “practice on-line reputation management,” harkens back to the 19<sup>th</sup> century, when female teachers were explicitly instructed to have exemplary behavior and spotless conduct to counterbalance the presumed improper behavior of their students’ parents (prevalent gambling and drinking). The word “reputation” generally refers to how one is viewed by others, and it is most frequently associated with females. From a young age, girls especially are taught to avoid obtaining a “bad reputation” which tends to imply, whether true or not, that they have loose morals. The term reputation can also be used in an attempt to scare one into behaving in accordance with society’s expectations –which seems to be the case with the wording in this policy. This is an old archetypal pattern found in literature. For example, in *The Awakening*, a novel written by Kate Chopin, published in 1899, the protagonist, Edna Pontellier, is warned by her former close friend to “be a little careful while you are living here alone.” (p. 91) because “you know how evil-minded the world is – someone was talking of Alcee Arobin visiting you. Of course, it wouldn’t matter if Mr. Arobin had not such a dreadful reputation” (p. 91).

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<sup>1</sup> The denotation of a particular word refers to the dictionary definition of said word. The connotation of a word, on the other hand, refers to how a particular word is used in a specific context. Connotation also involves the feelings and associations that people connect to words.

Connotations of the word “management” suggests imposed supervision by others instead of self-control. Throughout history, men have exerted power over women through a variety of methods in order to manage them. In fact, in the 18<sup>th</sup> and 19<sup>th</sup> century, female teachers frequently boarded with families of their students who monitored and reported on their behavior, effectively and overtly *managing* them and their reputations. Because of this pattern in history, I must admit that I was not surprised to find the word “management” used in the policy.

This particular policy also urges employees to “establish social networking relationships with caution.” Again, the word choice here appears to be targeted toward female employees. Relationships is a word which tends to be most frequently used by women to describe more intimate interactions. Men rarely, if ever, use the actual word relationship to describe a friendship or a romantic bond, while women more frequently use that term in such contexts. According to the *Online Etymology Dictionary*, the word relationship was coined in 1640s, but by 1944, meant “of specifically romantic or sexual relationships.” Use of the word relationships in this policy suggests highly personal interactions, and such relationships are most frequently attributed to women. Through the connotations associated with the word relationships, the suggestion is that women need to avoid participating in any significant on-line interactions that might be interpreted by the public as revealing romantic attachments or sexual identities. Interesting, also, is the use of the word “cautioned” in this policy. Men tend to be *warned*, whereas women, certainly since the Victorian period, have been *cautioned*. In Victorian literature, for example, Jane Austen speaks of Mrs. Vernon’s “sisterly cautions” in *Pride and Prejudice* (p. 37) and again in *Northanger Abbey* when Mrs. Morland is “caution[ed] against the violence of such noblemen and baronets as delight in forcing young ladies away to some remote farm-house, must, at such a moment, relieve the fulness of her heart” (p. 188).

The final phrase found in this policy that appears to be directly aimed at female employees is “avoid the appearance of impropriety.” This phrase refers to avoiding situations in which one’s ethics or morals could be called into question. In the Victorian period, when the physical bodies of women were restrained in corsets while their minds were controlled by an educational system that prepared them for housekeeping duties, young American women, such as the protagonist in Henry James’ 1878 novella, *Daisy Miller* were publicly shunned for the appearance of impropriety. Daisy Miller, having visited the Coliseum at night, with a male suitor, and unaccompanied by a chaperone, is considered indecent, publicly chastised, and cast out of expatriot society because she should have known better than to act in such a manner.

Because the word “impropriety” is found in the Woodland County Public Schools’ “Use of Social Networking Sites by WCPS Employees” policy, and even though Woodland County Public Schools’ teacher contracts includes a broad “crime of moral turpitude” clause as a cause for termination, use of that particular word suggests that even the mere *perception* of improper behavior (as defined by others) “may result in disciplinary action, up to and including termination.” Given that the greater percentage of school employees are female, use of such language with such idiosyncratic historical connections and highly-charged connotations clearly suggests to me that several parts, if not the whole “Use of Social Networking Sites by WCPS Employees” policy, are aimed at directly controlling the behavior of women in the Woodland County Public Schools’ workforce.

### **Interrogating the “Crime of Moral Turpitude” Clause and Teacher Morality**

When I first began researching hot topics in teacher terminations, which eventually led me to this specific research study, I encountered the rather vague term, “moral turpitude.” Even though I have signed numerous teacher contracts that explicitly state that a *crime of moral*

*turpitude* is a cause for termination, I'm embarrassed to admit that I had no idea what that term meant, but I knew that it didn't sound like something positive. While the term "moral turpitude" can be found in Part VII of the State of Virginia's Administrative Code for the Board of Education under the section dealing with the "Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses," I could not find where "moral turpitude" is defined in that particular section. "Conviction of any misdemeanor involving moral turpitude" is merely stated as one of the reasons for the revocation of a license issued by the Board of Education, but no examples of crimes of moral turpitude are included. I did some additional research and discovered by using the Code of Virginia database search engine, and discovered that although the term "crime of moral turpitude" is used in several different areas (license revocations or suspensions for insurance agents and the hiring of humane investigators by circuit courts, to name a couple), I could not find anywhere in the Code of Virginia where the term "crime of moral turpitude" is clearly explained. Apparently, I am not alone in my desire to understand what the Commonwealth of Virginia considers a "crime of moral turpitude."

In a December 20, 2006 letter to The Honorable Harry B. Blevins, in which Blevins inquired as to "what specific crimes would be considered crimes of moral turpitude," then Attorney General of Virginia, Robert McDonnell responded, "I find no statute or case that contains an exhaustive list of crimes of moral turpitude." McDonnell goes on to explain that "the Supreme Court of Virginia has defined a crime involving moral turpitude as 'an act of baseness, vileness, or depravity in the private and social duties which a man owes his fellow man, or to the society in general, contrary to the accepted and customary rule of right and duty between man and man.'" McDonnell further states that the Supreme Court of Virginia "has held that crimes involving dishonesty, including petty larceny, and making a false statement to obtain

unemployment benefits are crimes of moral turpitude that can be used to impeach witnesses.” Finally, McDonnell attests that it is his opinion as Virginia’s Attorney General “that whether a certain crime involves moral turpitude depends on the facts and the nature of the crime.” As Mr. Brown, my third interview participant explained, “crimes of moral turpitude” are open to interpretation and dependent on the situation. Perhaps the definition of “crimes of moral turpitude” are never fully articulated in teacher contracts so that this term can serve as the “catch all” that Mr. Parks discussed in our interview. In addition, the language McDonnell uses in his attempts to define crimes of moral turpitude are obviously from an historical time period when women possessed no civil rights or had any legal standing, as it refers to what “man owes his fellow man” and the “right and duty between man and man.”

Much like the definition of “crimes of moral turpitude” remains unclear, so does the concept of teacher morality. As Summerville states in her 2010 dissertation, “more than half of the state statutes have included immorality as grounds for teacher dismissal; however, few have defined the term” (p. 18). There’s no question that teachers frequently spend more time with children in a given day than their own parents do, and this implies that teachers have some influence and responsibility over students that extends beyond the curriculum. Character education programs introduced in public schools in the 1960s and 1970s have further strengthened the idea that schools (especially teachers) share in the responsibility of teaching children desired values and behaviors. In addition, the Woodland County Public Schools’ spokeswoman even referenced rulings by the U.S. Supreme Court when discussing the John Smith case, reminding the public that “the Supreme Court has stated that schools must teach by example, and that teachers, like parents are role models.” One can only surmise that she is referencing a rather obscure but often-quoted case, *Ambach vs. Norwick*, which was argued

before the U.S. Supreme Court in 1979, and in which Justice Lewis F. Powell, Jr., wrote that “a teacher serves as a role model for his students, exerting a subtle but important influence over their perceptions and values.”

For over a century, political entities have held teachers to behavior that is above admonishment (as defined by the mores of the period). For example, in *Rules of Conduct for Teachers*, published by a local West Virginia Board of Education in 1915 (as cited in Summerville, 2010) lists the following as terms of employment for female teachers:

1. You will not marry during the term of your contract.
2. You are not to keep company with men.
3. You must be home between the hours of 8:00 P.M. and 6:00 A.M. unless attending a school function.
4. You may not loiter downtown in ice cream stores.
5. You may not travel beyond the city limits unless you have the permission of the chairman of the board.
6. You may not ride in a carriage or automobile with any man unless he is your father or brother.
7. You may not smoke cigarettes.
8. You may not dress in bright colors.
9. You may under no circumstances dye your hair.
10. You must wear at least two petticoats.
11. Your dress must not be any shorter than two inches above the ankle.

12. To keep the schoolroom neat and clean, you must sweep the floor at least once daily; scrub the floor at least once a week with hot, soapy water; clean the blackboards at least once a day, and start the fire at 7:00 A.M. so the room will be warm by 8:00 A.M.

While moral standards have certainly evolved since 1915, court cases as late as the 1970s involving teacher morality resulted in teacher terminations on the grounds of cohabitation without marriage (*Sullivan v. Meade City Independent District*, 1975) and acknowledged homosexuality (*Gaylord v. Tacoma School District No. 10*, 1977), two subjects which would now be deemed more acceptable in 2016. And while society seems to have adopted more lenient moral standards in general, teachers continue to be held to higher standards than the general public. For example, according to Summerville (2010), “litigation involving teacher dismissal for immorality in the last 10 years has risen slightly compared to the previous 20 years.” Interestingly, most of those cases involved sexual misconduct with students, which often began as social media involvement between students and teachers.

### **Implications of the Study**

Use of social networking sites by educators for both personal and professional reasons is becoming increasingly problematic for school divisions, who are struggling to find appropriate ways to regulate and control teachers’ online behavior. It is interesting to note that the “big three” county school divisions in the region of which Woodland County Public Schools is the largest in terms of employees and students, frequently follow each other’s lead when it comes to school calendars, textbook adoptions, and teacher pay scales; yet, neither of the other two local county school divisions, nor the local urban school division, has, in the five years since Woodland County Public Schools developed and adopted its “Use of Social Networking Sites by WCPS Employees” policy, followed suit. The main implication here is that the other three local



divisions do not, as yet, see a need for such a detailed, specific policy.

It is also of interest to note that, unlike Woodland County Public Schools, none of those three have experienced an employee situation involving social media that attracted nation-wide, if not world-wide attention. This leads one to question what kind of “puncture” in the policy “equilibrium” will need to occur in order to put a detailed social networking policy on the agenda (Baumgartner & Jones, 1993; Kingdon, 2003) of surrounding districts. This lack of action on the part of local actors also supports the notion that the butt paining situation did, indeed, act as the focusing event that brought the need for a new WCPS policy to the forefront (Baumgartner & Jones; Kingdon).

As I previously mentioned, and will elaborate upon here, in the state where Woodland County Public Schools is located, teachers are not unionized; instead, they can choose to belong to local, state, and national associations which offer limited legal protection for and lobbying efforts on behalf of their members. After earning tenure, public school K-12 teachers in this immediate geographical area are typically awarded year-to-year, renewable contracts. While Woodland County’s School Board is comprised of elected members, school board members in another of the three major school divisions in this particular area are appointed by elected Board of Supervisors officials to serve four year terms.

Regardless of whether school board members are elected or selected, they represent specific areas within a particular county and, as such, tend to echo the prevailing culture of their communities and the county as a whole. Furthermore, the idea that school boards, especially those in this particular region of the state, are also extensions of political entities cannot be overlooked: thus, the prevailing political party wields considerable power over its school division, as seen in the adoption of curricular restrictions in my previous school division and the

creation of a policy designed to regulate teacher online behavior in Woodland County. As the largest public school division in this immediate area, the population of Woodland County has grown exponentially in the past decade, yet some pockets of the county remain rural and undeveloped, much like the composition of the entire county a mere forty to fifty years ago. All things considered, the development and implementation of such an explicit policy, which seeks to control both on and off duty teacher behavior in a digitized world, suggests the prevailing desire by some in the Woodland County community and/or its current elected officials to retain what can be considered small town values when it comes to acceptable teacher conduct in the face of ever-changing, fast-evolving technology.

Without question, the expansion of the Internet has made the school-house gate a moving target. Previously, “the school-house gate”, as determined in the *Tinker* decision, was usually interpreted as a fixed, physical barrier. This is quickly becoming an outdated interpretation. With access to the World Wide Web at teachers’ and students’ disposal 24 hours a day, seven days a week, the school-house gate has become far less permanent. This increasingly pliable school-house boundary is prompting school boards to react, and some are developing restrictive policies much like the one implemented in Woodland County Public Schools. Most likely, as is proving the case with student free-speech on the Internet, lawyers and courts will have to enter the discussion to determine appropriate and legally defensible parameters. As cases involving teacher terminations because of their online behavior reach adjudication and wind their way the court system, these school board policies may ultimately prove to lack the the legal teeth needed for restricting teacher free speech on social media websites.

Admittedly, although teacher behavior has been monitored and examined since the inception of the profession, and teachers have long been considered role models for their

students, prior to the creation of online social networking, there was still some degree of mystery concerning teachers' lives outside of the school building. Teachers had limited avenues by which they could broadcast their opinions and activities; likewise, school officials had fewer tools at their disposal to discover and regulate teacher behavior. The lightning-fast advancement of technology has changed all of this, and possibly as an unintended consequence, has also significantly changed the relationship between teachers and administrators. Now, with the advent and extensive use of social media networking sites, more and more administrators are being forced into policing the behavior of their teachers, instead of mentoring, motivating, and leading them.

Another issue which needs to be taken into consideration is the fact that many young teachers, digital natives who have grown up in the age of social-networking on the Internet, will soon be entering the ranks of public K-12 schools' administration and replacing the digital immigrants currently in charge. These new leaders will come from a generation that "tweets", photographs, and posts about virtually anything and everything, ranging from their weekend party plans to videos of actual fights on school grounds. There is little doubt that this seismic shift in leadership will significantly impact the definition of "a crime of moral turpitude" along with the understanding of what currently constitutes professional and personal boundaries. The perception of teachers serving as role models for their students is likely to continue, although the concept of what behaviors teachers should promote will evolve and change. There is a strong possibility that in the next twenty or so years, as this new generation of public school administrators takes over, teacher participation on social networking sites will cease to be a big deal.

## **Recommendations for Further Research**

There are a few areas highlighted by this study that offer the opportunity for potential research. First of all, this study was limited to one geographic area in the United States. Thus, it may prove beneficial to expand this inquiry to compare states that may have adopted social media policies. And further, whether these policies occurred due to a focusing event, or emerged gradually over time. It would also be interesting to determine which local policies across the U.S. are as detailed as Woodland County Public Schools, and if any of these policies have been used to discipline and/or terminate teachers. What is the nature of these policies? To what extent are efforts being made by other school boards to regulate teacher online behavior on their own time? Are such policies proving necessary, or are they a hindrance to teachers? In an attempt to steer clear of First Amendment issues, are school divisions disciplining teachers for online behavior by using the “classroom disruption” argument, as was done in the John Smith case?

Secondly, an opportunity to review additional teacher governance policies, along with local actors’ interpretation of those policies, in Woodland County to determine possible gender discrimination may be useful. Can additional interviews with local actors help determine whether the use of gendered language is intentional or unintentional? Are policies that contain patriarchal language “the norm” for public school divisions in this geographical area? The nation at large?

Thirdly, as more and more teachers are being disciplined and terminated for their online behavior, a study into what sorts of training programs school divisions are offering to curb perceived inappropriate conduct via social media is warranted. In addition to writing policies that directly speak to online behavior, are school divisions offering any professional development workshops or trainings during initial employee orientations that address perceived improper behavior? Should college or university teacher preparation programs provide such training?

Finally, as discussed earlier, the topic of teachers and free speech is nothing new. Case law exists and has existed since the 1950s that suggest teachers do not shed their rights at the schoolhouse gate. The problem is that the schoolhouse gate boundary has been and is increasingly being blurred by technology. Online behavior by students has been adjudicated at the circuit court level with conflicting results in the nine circuit courts; in fact, legal experts seeking clarification anxiously await the day when one of these cases is taken up by the Supreme Court (Gibbs, 2008, p. 243). As more and more court cases involving the disciplining of teachers for their online behavior eventually weave their way through the system, further research into the decisions of the lower and circuit courts would prove helpful to school leaders.

### **Final Thoughts**

I originally envisioned a far more in-depth study for this dissertation. My attempts to interview Woodland County public school leaders and teachers were ultimately thwarted by the VCU IRB who would not approve the study without the blessing of Woodland County Public Schools, and Woodland County Public Schools, who, in turn, would not sanction the study without the VCU IRB's approval. This "Catch-22" initiated a six-month research stalemate and repeated revisions which ultimately resulted in the exceedingly small sample size. I was, as it turns out, also foolishly optimistic that former Woodland County School Board members would be willing to be interviewed, but I quickly found out this was not the case. Whatever the reasons, ranks closed and radio silence ensued, and I was ultimately left feeling fortunate to have obtained the three interviews that I was able to conduct. In retrospect, the timing of those interviews, which all occurred within a one-week period also proved fortuitous as, most likely, the interviewees did not have a chance to confer about my study with one another in such short of a time frame. Perhaps, if I had been employed by Woodland County Public Schools, instead of

one of its neighboring divisions, the study might have been embraced rather than seemingly shunned; although, I have to admit that I sincerely doubt this would be the case. Woodland County school officials seemed especially reluctant to admit their knowledge of the John Smith situation. Their collective silence only served to heighten my suspicion that his case, and the creation of the “Use of Social Networking Sites by WCPS Employees” policy, are causally, if not directly, related.

Social media is not going away, and as more and more tech-savvy, young teachers enter the teaching profession, the online conduct of teachers will face increasing scrutiny. On the one hand, attempts at restricting teacher online behavior through policy-making may, in fact, prove ineffective, much like the policies that attempt to restrict the use of cell phones by students during school hours. On the other hand, female teachers have always been scrutinized; albeit, according to the mores of the period in question. And school boards have always been successful at controlling female teacher behavior with threats of termination. Thus, one might conclude that recent attempts by school boards to implement restrictive social networking policies will be abiding and effective, as they are just a modern version of mandating teacher morality. Whatever the future holds, I hope for a society that explains what has previously been undefinable (moral turpitude), decides what actually constitutes “the school house gate,” and agrees that the free speech of educators should not be judged differently than the rest of the American workforce.

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Appendix A

**Document Summary Form**

**Date obtained/retrieved:** \_\_\_\_\_

**How was this document located?** \_\_\_\_\_

**Any other relevant retrieval information (database document number, keywords used, etc.):**

**Brief summary of contents/relevance:**

**Key quotations (including page numbers):**

**Need to follow-up on these citations/this information:**



## Appendix B

### Interview Protocol

#### Key Components:

##### Prior to the Interview:

- Note the time, date, place of interview
- Note the interviewee and position of interviewee
- Prepare

##### Introduction

- Introduce myself and thank participant
- Discuss purpose of study
- Assure confidentiality
- Discuss duration of interview
- Explain how the interview will be conducted
- Give participant the opportunity for questions
- Obtain signature on consent form from interviewee

##### Questions

- Be prepared with five open-ended questions including the following:

What factors or incidents led to the development of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy?

What was your role in the development of Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy?

How is the Woodland County Public Schools' "Use of Social Networking Sites by WCPS Employees" policy being interpreted, implemented, and applied?

To what extent does Woodland County Public Schools use the "crime of moral turpitude" clause found in Section 22.1 of the Code of State A to

regulate teacher behavior generally and/or teacher behavior online specifically?

“What other school board members, present or former, should I talk to to learn more?”

- Use probes as needed (Can you elaborate on that? What else was a key contributor?)

#### Closing

- Provide the opportunity for additional comments
- Explain the next steps
- Thank participant

## Appendix C

### **Actual Woodland County Public Schools' Policy**

#### **USE OF SOCIAL NETWORKING SITES BY WCPS EMPLOYEES**

##### A. Generally

WCPS recognizes the value of student, teacher, parent, and community interaction on social networking sites that are designed for specific educational purposes and directly tied to WCPS curriculum and instruction. Collaboration, resource and information sharing, online tutoring, etc. can all be facilitated by the judicious use of educational internet/Web 2.0 networking tools and web pages, including, but not limited to, Facebook, Edmodo, Twitter, blogs, wikis, and other Web 2.0 networking tools.

A certified or licensed employee may communicate through electronic media with current WCPS students for educational purposes. All online communication via the WCPS network or in which an individual holds him/herself out as a WCPS employee must be consistent with WCPS policies and regulations.

##### B. Establishment of Social Networking Sites for Educational Purposes

An employee may establish one or more social networking sites to be used for educational purposes and communication. Any such site shall have a clear statement of purpose and outcomes for the use of the networking tool, and a code of conduct for all site participants. The employee establishing the site shall: apply appropriate security settings, allow only approved participants access, be responsible for the site's content, diligently monitor the site for inappropriate content, and post only information related to the site's purpose that is appropriate for viewing by students, parents and the community at large. Employees are expected to read and understand all terms of service and privacy policies associated with the social networking sites they intend to use.

##### C. Employee Use of Personal Social Networking Sites

In all use of personal social networking sites, employees should:

Employees shall make student internet safety, including the protection of students' personal information, a priority. WCPS therefore does not recommend that any employee establish an online social networking relationship with a currently enrolled WCPS student on his or her personal social networking site(s). For the protection and safety of both employees and students, employees should consider limiting internet contact and communication with such students to available school division-approved, work related social networking resources made available through the WCPS network.

- Maintain appropriate professional boundaries and your authority as a classroom teacher, administrator, or supervisor;
  - Practice online reputation management by considering the personal, professional and social impact of what you post;
- Establish appropriate privacy settings to limit access to personal information contained on your social networking site;
- Establish social networking relationships with caution and consider "un-friending" those who post inappropriate content that may be viewed on your social networking site;
  - Refrain from inappropriate electronic communications with students;
  - Recognize that students may not exercise good judgment and may use social media inappropriately;
  - Avoid the appearance of impropriety;
  - Refrain from posting negative information about students, fellow employees or the school division.
  - Refrain from uploading inappropriate content; exercise caution when posting links to other Internet or social networking sites and consider ad-free sites for hosting videos to eliminate inadvertent access to inappropriate advertisements and content.

#### D. Consequences of Inappropriate Use of Social Networking

Adopted: June 26, 2012

Pursuant to Policy 5020, all employees are expected to know and are responsible for observing federal and state laws as well as the School Board's policies and regulations pertinent to their work activities. Accordingly, Employee use of social networking found to be in violation of one or more WCPS policies, regulations or procedures and/or in violation of any applicable state or federal law may result in disciplinary action, up to and including termination.

## Appendix D

### Interview Recruitment E-mail

**Address Line:** Will individually email participants limited to elected public officials serving as former or current Woodland County Public School Board members

**Subject Line:** Research Participation: Social Media Policy for Employees Study

**Message:**

Dear [Name],

My name is Greenlee Naughton, and I'm a current doctoral candidate in Educational Leadership at Virginia Commonwealth University. I'm working on my dissertation under the direction of Dr. Katherine Mansfield to explore the development and implementation of your school division's Social Media Policy for Employees. As an elected public official, a Woodland County Public Schools' School Board member, and recognized leader affiliated with the interpretation of this policy, I would like to invite you to participate in the current study. We hope that the research will inform other school divisions about policies regarding teacher participation on social networking sites.

Would you be willing to be interviewed in person regarding this policy? If so, we'll find a time that works with your busy schedule to conduct the interview, which we estimate will range from 30-60 minutes. We'll also e-mail or mail you a copy of the consent form and questions in advance. Participation is voluntary, so you can feel free to skip any questions you do not want to answer or you can withdraw from the study at any time.

This study was approved by the VCU IRB (IRB # HM2000623) on December 18<sup>th</sup>, 2015. Please let me know if you have any questions or concerns (Primary Investigator (PI): Dr. Katherine Mansfield, [kcmansfield@vcu.edu](mailto:kcmansfield@vcu.edu); or Co-PI: Greenlee Naughton, [naughtongb@vcu.edu](mailto:naughtongb@vcu.edu)) If you have any questions about the research process or research participant's rights, you may also contact the VCU IRB Board ([erahelp@vcu.edu](mailto:erahelp@vcu.edu)).

Thank you for your consideration,  
Greenlee Naughton  
(804) 787-4871 (cell)  
VCU Doctoral Candidate  
[naughtongb@vcu.edu](mailto:naughtongb@vcu.edu)

## Appendix E

### Research Study Adult Consent Form

#### **RESEARCH STUDY INFORMATION AND ADULT PARTICIPANT CONSENT FORM** IRB #HM 20006232

**TITLE:** A Qualitative Study of Woodland County Public Schools' Social Media Policy for Employees: Its Development, Interpretation, Implementation, and Significance

#### **THE PURPOSE OF THE STUDY:**

The purpose of this study is to examine the development, interpretation, implementation, and significance of Woodland County Public Schools' Social Media Policy for Employees. You are being asked to participate because you are a current or former member of the Woodland County Public Schools' School Board. Your participation in informal interviews will contribute to a better understanding of how and why one public school division in central Virginia is monitoring its teachers' use of major social networking sites.

#### **DESCRIPTION OF THE STUDY AND YOUR INVOLVEMENT:**

If you decide to participate in this research study, you will be asked to sign this consent form after you have had all of your questions answered and understand the procedure.

In this study, you will be asked to participate in an interview that will last approximately one hour and may be audio-recorded. No real names will be recorded on the tape, and pseudonyms will be used to protect your identity.

Significant new findings developed during the course of the research which relate to your participation will be provided to you at the conclusion of the study.

#### **RISKS AND DISCOMFORTS:**

Risks of being in this study are highly unlikely and are likely to be no greater than everyday life. You do not have to answer any questions that you do not want to talk about, and you may leave the interview at any time. If you become upset, I will provide you with the names of counselors you can contact for help dealing with these issues.

#### **BENEFITS TO YOU AND OTHERS:**

While this study may not directly benefit you, the information I learn may help other public school divisions understand the need for specific social media policies for employees.

**COSTS:**

There are no costs for participating in this study other than the time you will spend being interviewed.

**CONFIDENTIALITY:**

Potentially identifiable information about you will consist of interview notes, audiotapes, and interview transcripts. Data is being collected only for research purposes. Your data will be identified by pseudonyms, not names, and stored in a locked research area. The data collected, along with the key that identifies individual names, will be stored in a locked file cabinet at Greenlee Naughton's home. Interview transcripts and notes will be stored and destroyed in accordance with VCU policy. Interview recordings will be destroyed after transcripts have been typed. Access to all data will be limited to study personnel (Dr. Katherine Mansfield and Greenlee Naughton).

I will not tell anyone the answers you give us; however, information from the study and the consent form may be examined by Virginia Commonwealth University.

Findings from this study may be presented at meeting or published in papers, but your name will never be used in these presentations or papers.

**VOLUNTARY PARTICIPATION AND WITHDRAWAL:**

You do not have to participate in this study. If you choose to participate, you may choose not to answer particular questions that are asked in the interview.

**QUESTIONS:**

If you have any questions, complains, or concerns about this research or about your participation in this study, please contact Greenlee Naughton on her cell phone at (804) 787-4871. If you have any questions about your rights as a participant in this study, you may contact:

Office for Research  
RE: IRB # HM 20006232  
Virginia Commonwealth University  
800 East Leigh Street, Suite 113  
P.O. Box 980568  
Richmond, VA 23298  
Telephone: (804) 827-2157

*You may also contact this number for general questions, concerns, or complaints about the research. Please call this number if you cannot reach the researcher or wish to speak with someone else. Additional information about participation in research studies can be found at <http://www.research.vcu.edu/irb/volunteers.htm>.*

**CONSENT:**

I have been given the chance to read this consent form. I understand the information about this study. Questions that I wanted to ask about this study have been answered. My signature below indicates my willingness to participate in this study. I will receive a copy of the consent form once I have agreed to participate.

---

Name of Adult Participant

---

Signature of Adult Participant

Date

Greenlee B. Naughton

---

Name of Person Conducting the Informed Consent Interview/Witness

---

Signature of Person Conducting the Informed Consent Interview/Witness      Date

---

Principal Investigator Signature

Date



## Vita

Greenlee Buchanan Naughton was born on November 7, 1966 in Norfolk, Virginia, and is an American citizen. She is the daughter of Janet B. Buchanan and the late Philip E. Buchanan, both career educators. Greenlee grew up in Suffolk, Virginia, attended Chesapeake Public Schools (graduating from Western Branch High School in 1985), and received a Bachelor of Arts in English, with a minor in secondary education, from Randolph-Macon College, Ashland, Virginia in 1989. Returning to college on a part-time basis in 1991, she earned a Master of Arts in English Literature from the University of Richmond, Richmond, Virginia, in 1993. Following a five-year career as a Human Resources Operations Manager for Paramount Parks, Greenlee followed in her parents' footsteps and became teacher. She has taught English at the secondary level in North Carolina and Virginia for the past eighteen years in both the public and private school setting, serving on the faculty at Harding High School in Charlotte, North Carolina; Charlotte Catholic High School, in Charlotte, North Carolina; and Hanover High School, in Hanover, Virginia. Greenlee is currently an adjunct professor of English at Reynolds Community College in Henrico, Virginia. In addition, she is employed full-time as a high school teacher for Henrico County Public Schools, where she currently teaches 10<sup>th</sup> grade English, English 111 & 112, and English 243 & 243 as part of the Advance College Academy at Highland Springs High School in Highland Springs, Virginia. Greenlee also serves as the HSHS English Department Chair and as an Administrative Aide. She is a National Board Certified Teacher, a former Beginning Teacher of the Year finalist for Charlotte-Mecklenburg County Public Schools, a 2012 recipient of an R.E.B. Award for Excellence in Teaching (earning a \$11,500 stipend to study the works of Ernest Hemingway in Key West, Florida; Havana, Cuba; and Pamplona, Spain). Greenlee is also the winner of a 2014 Henrico 21 Award for creatively integrating technology into the classroom.