

Volume 11, Issue 3, December 2014

THE VIEWS EXPRESSED REPRESENT MINE ALONE: ACADEMIC FREEDOM AND SOCIAL MEDIA

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Abstract

In recent years, the academic community has become increasingly engaged with social media. While the adoption of social media has the potential to offer significant pedagogical and research benefits, this article acknowledges that the use of social media also carries some risk. Due to shareability of digital communications, an academic has less control over comments posted online than opinions expressed in the lecture theatre. This risk has been realised in a number of recent controversies concerning the use of social media by academics. In response to the fear of negative publicity or reputational risk, academic institutions may be tempted to supervise the use of social media by their employees. This article evaluates the threat to academic freedom posed by this institutional oversight and considers the best regulatory approach to address the issue.

DOI: 10.2966/scrip.110314.210



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1. Introduction

The enthusiastic adoption of social media by many in academia is unsurprising considering the capacity of such tools to foster communication, engagement, and debate.¹ This article argues that the percolation of academic debate through the various fora of social media has significant pedagogical benefits. The provision of a “third space”, hovering at a point between the lecture theatre and academic journals, encourages law students to step beyond their course notes and engage in critical assessment and productive discourse. When blogging or posting online, it is common for academics to note that they are communicating in a personal capacity. Indeed the Twitter accounts of many academics are headlined with a clarifying statement along the lines of: “the views expressed are mine alone”. This practice is a sensible and low cost measure to take in response to the blurred boundaries between the personal and the professional in the world of Twitter, Tumblr, and “blawgs”.

In spite of the proliferation of such disclaimers, they will provide little comfort to an engaged academic who has observed, in the social media context, recent developments in the state of academic freedom. The actions of a North American governing body, the Kansas Board of Regents, are particularly noteworthy in this regard. This incident, and its potential to chill academic freedom, is considered below. Firstly, however, it is necessary to reflect upon the value of academic freedom. This will be followed by a consideration of the role of social media in academia and an assessment of the benefits that social media may offer for both research and teaching.

2. Value of Academic Freedom

In a general sense, there is broad recognition of the importance of academic freedom. The Salamanca Declaration identified academic freedom as a crucial goal of the Bologna Process² and Article 13 of the Charter of Fundamental Rights of the European Union states that “[t]he arts and scientific research shall be free of constraint. Academic freedom shall be respected”.³ Karran has identified 13 EU states where academic freedom is explicitly recognised in the state Constitution, and many more states that provide some legislative protection for the freedom.⁴

When identifying the contours of the concept of academic freedom, the 1997 UNESCO Recommendation provides a useful starting point. The recommendation affirmed that

¹ R Jerry and L Lidsky, “Public Forum 2.1: Public Higher Education Institutions And Social Media” (2012-2013) 14 *Florida Coastal Law Review* 55-98, at 60. The defining characteristics of social media websites are interactivity and accessibility. See A Kaplan and M Haenlein, “Users of the World, Unite! The Challenges and Opportunities of Social Media” (2010) 53 *Business Horizons* 59-68, at 61. Kaplan and Haenlein note that, “interaction and feedback are critical elements of all Social Media” *Ibid*, 66.

² European Universities Association, *Shaping the European Higher Education Area* (Salamanca: EUA, 2001) available at www.eua.be/eua/jsp/en/upload/Salamanca_declaration_en.1066755820788.pdf (accessed 18 June 14). T Karran, “Academic Freedom in Europe: A Preliminary Comparative Analysis” (2007) 20 *Higher Education Policy* 289-313, at 289-290.

³ *Charter of Fundamental Rights of the European Union*, art 13.

⁴ T Karran, see note 2 above, at 293. In other constitutional systems, such as the United States, academic freedom receives indirect protection through freedom of speech rights.

the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom...the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.⁵

In addition to providing a private service to individual students, universities also confer a public good on society.⁶ Universities benefit both the communities which support them and society in general through their role as crucial developers and disseminators of knowledge.⁷ As the Provost of Trinity College Dublin notes, universities play a key role in society as one of the civic institutions necessary for the functioning of a modern democracy.⁸ It has also been argued that

the social significance of academic freedom lies in the fact that without freedom of inquiry and freedom on the part of teachers and students to explore the forces at work in society...the habits of intelligent action that are necessary to the orderly development of society cannot be created.⁹

Accordingly, the principle of academic freedom rests on the understanding that the search for truth is an important value in society, and that the university is specially placed to further this goal. As it was put by Dewey in 1902, “[t]he university function is the truth function.”¹⁰ It seems clear that this search for truth must be supported by critical thinking and free expression.¹¹ It also seems clear that social media can be a useful tool for helping academics and students to achieve these goals.¹²

⁵ UNESCO, “Recommendation concerning the Status of Higher-Education Teaching Personnel” (Nov 1997) available at

http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 18 June 14).

⁶ W Tierney and V Lechuga, “The Social Significance of Academic Freedom” (2010) 10 *Cultural Studies & Critical Methodologies* 118-133, at 118. See also, P Altbach, P Gumpert, and D Johnstone (eds), *In Defense of American Higher Education* (Baltimore: Johns Hopkins University Press, 2001); E Boyer, *Scholarship Reconsidered: Priorities of the Professoriate* (Princeton: Carnegie Foundation for the Advancement of Teaching, 1990); J Dewey, “Academic freedom” (1902) 23 *Educational Review* 1-14; C Kerr, *The Uses of the University* (Cambridge, MA: HUP, 2001); S Marginson and M Considine, *The Enterprise University: Power, Governance, and Reinvention in Australia* (New York: CUP, 2000).

⁷ J Searle, *The Campus War: A Sympathetic Look at the University in Agony* (New York: The World Publishing Company, 1971), at 184.

⁸ P Prendergast, “Academic Freedom: A Provocation?” (2013) available at www.tcd.ie/provost/addresses/2013-06-10_RIAAcademicFreedom.php (accessed 18 June 14).

⁹ J Dewey, “The Social Significance of Academic Freedom” (1936) 2 *Social Frontier* 376-381, at 379. See W Tierney and V Lechuga, see note 6 above, at 118.

¹⁰ J Dewey, “Academic Freedom” in J Boydston (ed), *John Dewey: The Middle Works, 1899-1924* (Carbondale: Southern Illinois University Press, 1976) 53-66, at 55.

¹¹ R Jerry and L Lidsky, see note 1 above, at 56, referencing R Barnett, “Reinventing the First Amendment in the University” in M Sellers (ed), *An Ethical Education: Community and Morality in the Multicultural University* (Michigan: Berg, 1994) 163-167.

¹² R Jerry and L Lidsky, see note 1 above, at 56.

In spite of its continued importance however, several challenges to academic freedom have been identified in recent years. These challenges include the growth of managerialism in universities,¹³ the reduction of resources,¹⁴ the commercialisation of research,¹⁵ and advances in technology.¹⁶ This article examines the particular challenge raised by the observation and regulation of the use of social media by academics.

3. Use of social media in academia

The use of social media for academic purposes is now widespread.¹⁷ No longer are social media connections limited to those formed between family and friends; the use of social media now permeates professional interactions.¹⁸ This is particularly evident on sites such as Twitter, LinkedIn and Academia.edu. This article focuses on the academic use of Twitter, although it will be necessary to refer to other online services at times.

While Twitter is now a well-established social network and “micro-blogging” site it is nonetheless helpful to highlight some defining features of the service. A key characteristic of Twitter is the brevity of the communications which take place on the platform. The structural reason for this is the character limitation placed on the posts of Twitter users. In the nomenclature of the social network itself, these 140-character posts are described as “tweets”.¹⁹ This character limitation facilitates real-time, back-

¹³ See for example, S Harley and F Lee, “Managerialism, and the Academic Labor Process: The Future of Nonmainstream Economics in UK Universities” (1997) 50 *Human Relations* 1427-1460.

¹⁴ See for example, M LeCompte and K Bonetti, “Notes from Ground Zero: Budgetary Crises and Academic Freedom at the University of Colorado” (2010) 3 *Theory in Action*, 7-20.

¹⁵ J Washburn, *University, Inc: The Corporate Corruption of Higher Education* (New York: Basic Books, 2006). C Kayrooz, P Kinnear and P Preston, “Academic Freedom and Commercialisation of Australian Universities: Perceptions and Experiences of Social Scientists” (Mar 2001) available at www.tai.org.au/documents/dp_fulltext/DP37.pdf (accessed 18 June 14).

¹⁶ Giroux argues that the increased power of corporations, the military, and right wing fundamentalists in American universities means that universities “are losing claim to independence and critical learning, which has compromised their role as arenas that foster democratic ideals.” See H Giroux, *The University in Chains: Confronting the Military-industrial-academic Complex* (Boulder: Paradigm, 2007), at 10, 200-211. W Tierney and V Lechuga, see note 6 above, at 129.

¹⁷ The significance of social media “presence” is increasing. In 2013, a [Faculty Media Impact Project](#) assessed the influence of individual academics by measuring online references to their work – including references on social media. Hawaii Pacific University, “Novel New Higher Ed Rankings System Tracks Public Investment and Media Engagement” (2013) available at www.hpu.edu/HPUNews/2013/10/higher-ed-media-engagement.html (accessed 18 June 14). See F LoMonte, “A Dangerous Policy” *Inside Higher Ed* 2 Jan 2014 available at www.insidehighered.com/views/2014/01/02/essay-criticizes-new-kansas-policy-use-social-media-university-employees#ixzz2wMOUCTEm (accessed 18 June 14). In spite of the reported increase in social media use by academics, its adoption has been less ubiquitous than that observed in other industries such as business and the media. C Greenhow and B Gleason, “Social scholarship: Reconsidering scholarly practices in the age of social media” (2014) 45 *British Journal of Educational Technology* 392-402.

¹⁸ E Darling et al, “The Role of Twitter in the Life Cycle of a Scientific Publication” (2013) 6 *Ideas in Ecology and Evolution* 32-43, at 32.

¹⁹ Twitter is a micro-blogging and social media platform that allows users to post short messages of up to 140 characters (including spaces). In order to join the Twitter community, it is necessary to sign up for a free account. This account enables individuals to subscribe to the posts of other Twitter users, i.e.

and-forth conversations on the site. The option to unilaterally “follow” accounts of interest on Twitter is another feature that distinguishes the service from other popular social media platforms, such as Facebook and LinkedIn, which require mutual consent to establish connections.²⁰ Accordingly, notable figures – including prominent academics, politicians, and public intellectuals – can be followed by many more individuals than those public figures themselves follow.

An additional feature that is central to the operation of Twitter is the ability to categorise and make tweets searchable through the use of a “hashtag”.²¹ The use of hashtags has enabled academics to engage with other researchers by following the “live tweets” associated with a designated conference hashtag. Academics and other interested parties can use these hashtags to participate in the debates emerging from a conference even when not themselves in attendance.²² Moreover, the ability to “retweet” the posts of other users can result in the original contribution receiving repeated exposure. These features contribute to the status of Twitter as the premiere social network for rapid communication of ideas in real-time.²³

In a science context, it has been argued that the use of short and multi-directional communications such as those posted on websites like Twitter will continue to have a long-term impact on the development and communication of academic knowledge.²⁴ It is logical that such tools will also continue to be important in the legal discipline; one which is so dependent on open discourse.

While peer-reviewed articles remain the gold standard for the dissemination of academic research, the privately conducted peer-review process is not the ideal format for discussion or debate.²⁵ This is particularly evident when the time lag between the conception of the original idea and the eventual date of publication is considered. Due

“follow” the posts (tweets) made by other accounts. When you follow an account, that account’s tweets will appear in the live stream or feed on your Twitter homepage.

²⁰ LinkedIn and Facebook have subsequently introduced similar follow or subscribe features in response to the popularity of Twitter. They remain a secondary form of connection on these sites, however. See, for example, N Bilton, “New Facebook Feature: A Subscription to Friend's Feeds” *New York Times Bits* 14 Sep 2011 available at http://bits.blogs.nytimes.com/2011/09/14/facebook-allows-people-to-subscribe-to-friends/?_php=true&_type=blogs&_php=true&_type=blogs&_r=1 (accessed 18 June 14).

²¹ Hashtags have been defined as “user-defined terms used on the Web to tag messages like microposts, as featured on Twitter.” M Ghennane et al, “A Hashtags Dictionary from Crowdsourced Definitions” in *Data Engineering Workshops (ICDEW): 2014 IEEE 30th International Conference* (Chicago: IEEE, 2014) 39-44 available at <http://satin-ppl.telecom-st-etienne.fr/cgravier/papers/icde2014-iiweb-folksionary.pdf> (accessed 18 June 14). Hashtags are topic classifiers. The “#” symbol followed by text can be used in a tweet in order to connect the tweet to a larger discussion. Users can search by the hashtag in order to see a real-time list of all tweets tagged with that hashtag, e.g. #elections2014. J Amor et al, “Modelling Social Mobilisation – An Interdisciplinary Exploration of Twitter as a Mediating Tool for Social Acts and Information Networks” (2013) 1 *Exchanges: the Warwick Research Journal* available at <http://exchanges.warwick.ac.uk/index.php/exchanges/article/view/9> (accessed 12 Dec 14).

²² E Darling et al, see note 18 above, at 35.

²³ *Ibid*, 36.

²⁴ *Ibid*, 38-39.

²⁵ J Fox, “Can blogging change how ecologists share ideas? In economics, it already has.” (2012) 5 *Ideas in Ecology and Evolution* 74-77, at 74.

to the comparatively captive audience comprised of an individual researcher's Twitter followers, it makes sense for academics to promote more substantial research through the medium as well as traditional publications. This can be accomplished, for example, by including links in tweets to journal articles, working papers, or blog posts. This (active) approach is likely to be a more effective method of research distribution than simply relying on interested individuals stumbling upon an article while scanning a table of contents.²⁶

While some legal academics establish separate accounts in order to communicate directly with current students,²⁷ the vast majority of Twitter accounts maintained by legal academics focus on their research and general interests. A brief search on Twitter makes it apparent that the use of social media can “promote critical discourse within the university community.”²⁸ For instance, the legal academic – and high-profile Twitter user – Professor Fiona de Londras²⁹ has stated that Twitter helps her to stay up to date in the field, build connections with people working on similar issues, and contribute to the legal debate in both Ireland and the United Kingdom.³⁰ Another prominent user, Dr Paul Bernal (University of East Anglia), points out that

Twitter can be at a higher level than that broadcasted or published in the mainstream media. In law, for example, top lawyers and leading legal academics can comment or analyse directly, on their own blogs or through professional blogs such as the Inform's blog, the UK Human Rights Blog, the UK Constitutional Law Blog and others. Twitter provides a route into these blogs and others, enabling expert analysis to be disseminated much more widely than in the past.³¹

As pointed out by Zanglein and Stalcup, the Internet can also “foster a tighter community of educators”³² and “promote faculty collegiality”.³³ Not only does public

²⁶ E Darling et al, see note 18 above, at 38.

²⁷ For example, Gavin Barrett runs a Twitter account for his EU law students. The handle is @EULawUCD available at <https://twitter.com/EULawUCD> (accessed 18 June 14).

²⁸ R Jerry and L Lidsky, see note 1 above, at 57.

²⁹ De Londras' twitter handle is @fdelond, available at <https://twitter.com/EULawUCD/fdelond> (accessed 18 June 14).

³⁰ F Gartland, “The sky's the limit for legal eagles on Twitter” *Irish Times* 11 Nov 2013 available at www.irishtimes.com/news/crime-and-law/the-sky-s-the-limit-for-legal-eagles-on-twitter-1.1588531 (accessed 18 June 14).

³¹ P Bernal, “A Defence of Responsible Tweeting” (2014) 19 *Communications Law* 12-19, at 14. Referring to The International Forum for Responsible Media Blog, the UK Human Rights Blog, and the UK Constitutional Law Association Blog available at <http://Inform.Wordpress.com>; <http://Ukhumanrightsblog.com>; and <http://ukconstitutionallaw.org/blog/> respectively (accessed 18 June 14).

³² J Zanglein and K Stalcup, “Te(a)chnology: Web-Based Instruction in Legal Skills Courses” (1999) 49 *Journal of Legal Education* 480-503, at 480. S Johnson, “The Environmental Law Teachers' Clearinghouse: An Academic Web Portal” (1999) available at <http://jurist.law.pitt.edu/lessons/lessept99.htm> (accessed 18 June 14).

³³ *Ibid.* S Boyer and G Berry, “Unlikely Buddies: Faculty Websites Can Help Bridge the Seniority Gap and Promote Collegiality” (1999) available at <http://jurist.law.pitt.edu/lessons/lesoct99.htm> (accessed 18 June 14).

discussion offer the researcher an efficient form of collaboration and consultation – which might help to take the genesis of an idea one step closer to a full theory – services such as Twitter may also be used to expand the exposure of research beyond the Ivory Tower to include politicians, the press, and, of course, students.

4. Benefits of Twitter for Students

By providing an additional forum to demonstrate effective modes of discourse and argumentation, Twitter also offers significant pedagogical benefits for law students. At the basic level, following legal commentators on Twitter can direct students to recommended articles or blogs that they might not have otherwise located without the culture of open sharing which is prevalent on Twitter.³⁴ Furthermore, the immediacy of the interaction is likely to appeal to students who are currently studying a particular topic. In addition to facilitating student access to higher quality educational material, the provision of a forum for students to express their thoughts on a topic of study can serve as an effective method to deepen their understanding of the material and its context.³⁵ Some educators have reported a qualitative improvement in the analytical and critical contributions of students following a course requirement to post on a learning blog.³⁶ It is contended that similar learning outcomes could be achieved through the effective utilisation of Twitter.

It has been established that the use of social media enables users to exchange news and to tease through issues in a public space.³⁷ In addition, regular exchanges over social networks have the potential to “foster trust and norms of reciprocity”.³⁸ In such an atmosphere, there is potential for increased positive participation from students than in the traditional classroom environment with its natural hierarchy and rigid rules.

Engaging in online discussion can be particularly valuable for those who lack confidence in the exposed environment of the lecture theatre. As illustrated by the work of Turkle, individuals who suffer from shyness in-person often become more confident in the online environment.³⁹ Mason and Rennie have argued that “shared community spaces and inter-group communications are a massive part of what excites young people”.⁴⁰ Accordingly, the use of social media in legal education has the

³⁴ N Selwyn, “Social Media in Higher Education” (2011) available at <http://www.educationarena.com/pdf/sample/sample-essay-selwyn.pdf> (accessed 18 June 14), at 1. Selwyn’s article was originally published in Europa Publications, *The Europa World of Learning 2012* (Routledge, 2011).

³⁵ A Hemmi, S Bayne and R Land, “The Appropriation and Repurposing of Social Technologies in Higher Education” (2009) 25 *Journal of Computer Assisted Learning* 19-30, at 27.

³⁶ *Ibid*, 26.

³⁷ E Fink, “Law School and the Web of Group Affiliation: Socializing, Socialization, and Social Network Site Use Among Law Students” (2010) 27 *The John Marshall Journal of Information Technology & Privacy Law* 325-348, at 329.

³⁸ *Ibid*, 330.

³⁹ See generally, S Turkle, *Life on Screen: Identity in the Age of the Internet* (New York: Simon and Schuster, 1995). For specific examples of this effect see the case studies provided by Turkle at 190, 196, 203.

⁴⁰ R Mason and F Rennie, “Using web 2.0 for learning in the community” (2007) 10 *The Internet and Higher Education* 196-203, 199.

potential to enhance the persistence and motivation of law students. This theory is supported by Fink's assertion that

[f]or educators, Facebook represents a medium in which large numbers of law students are actively engaged, and thus a potential means of inculcating and sustaining student engagement and collaborative learning beyond the classroom.⁴¹

Due to the nature of Twitter, as outlined above, I would argue that the micro-blogging social network is even better suited to this role.

Sunstein has reported that Internet conversation can lead to narrow-mindedness as the customisable nature of the online experience can create an echo chamber where individuals only communicate with those that they already agree with.⁴² While Twitter may be vulnerable to the same echo chamber effect, an instructor can mitigate this by introducing students to a broader community than they otherwise might be exposed to in their existing online network. Using Twitter as a public forum of debate invites students to step beyond their role as passive consumers of knowledge and encourages them to participate, and produce, instead.⁴³ By embracing social media students have the opportunity to converse and interact with their instructors and other interested parties on issues of relevance to their legal education. Perhaps one of the greatest potential benefits of Twitter in legal education is the forum it provides for students to explore and not simply exposit.

The previous section illustrated how Twitter can serve the legal academy as a valuable tool for discussion, dissemination, and discovery. Complementing the discussion of the benefits of Twitter for research, this section has demonstrated how Twitter offers numerous pedagogical rewards that are of particular relevance to legal education. When a lecturer encourages greater engagement and invites students to follow his or her Twitter account, he or she fosters greater assimilation of the knowledge acquired in the lecture theatre into the daily life of his or her students. Beyond the basic functionality of information dissemination, it is also clear that Twitter provides students with a more comfortable and informal space to explore legal issues and hone their debating style than is offered in more traditional mediums.⁴⁴

5. Threat to academic freedom

In light of these points in favour of the directed use of Twitter in legal education, the factors which discourage the adoption of this tool by educators must be considered. While Twitter offers much that may benefit both the research output of researchers and the learning outcomes of students, academics are acutely aware that these advantages are accompanied by potential hazards. If a single tweet were to attract public controversy or institutional disapproval, a very real risk of sanction may arise.

⁴¹ E Fink, see note 37 above, at 344.

⁴² C Sunstein, *Republic.com 2.0* (Princeton: Princeton University Press, 2007). Research has shown that users are drawn to online groups that "share their interests and concerns". J Preece and D Maloney-Krichmar, "Online Communities: Focusing on Sociability and Usability" in A Sears and J Jacko, *The human-computer interaction handbook* (New Jersey: Lawrence Erlbaum Associates, 2002) 596-620, at 609.

⁴³ N Selwyn, see note 34 above, at 3.

⁴⁴ Such as academic conferences or journals.

At times, conflict can arise between the freedom of scholars as members of the academic community and the obligations of scholars as employees of universities.⁴⁵ As noted by Jerry,

The same characteristics that help foster discourse – accessibility, interactivity, and connectivity – also magnify the potential for conflicts with other important values, such as civility, privacy, and administrative efficiency. Social media may also conflict with a university’s ability to convey its own message without disruption or distortion.⁴⁶

An example of the risk this potential conflict of interest poses to academic freedom is provided by the redefinition of academic freedom by the Association of Universities and Colleges of Canada in 2011. The revised statement advised:

Unlike the broader concept of freedom of speech, academic freedom must be based on institutional integrity, rigorous standards for enquiry and institutional autonomy, which allows universities to set their research and educational priorities.

The President of the Canadian Association of University Teachers criticised the new definition for adopting the position that academic freedom only “exists to the extent that it does not interfere with the needs and mission of the institution”.⁴⁷

5.1. The Kansas Incident

As mentioned in the Introduction to this article, the recent actions of a North American governing body – the Kansas Board of Regents – raise serious questions about the protection of academic freedom in the digital age.

The background to this incident concerned a tenured academic at the University of Kansas. The academic in question, David Guth, infamously tweeted the following statement following the shootings at the Washington Navy Yard: “#NavyYardShooting The blood is on the hands of the #NRA. Next time, let it be YOUR sons and daughters. Shame on you. May God damn you.”⁴⁸ Unsurprisingly,

⁴⁵ B Gillon and Ian Henderson, “What is Academic Freedom?” *University World News* 28 Oct 2012 available at www.universityworldnews.com/article.php?story=20121023151549364 (accessed 18 June 14).

⁴⁶ R Jerry and L Lidsky, see note 1 above, at 57. Anonymity also magnifies the potential for disruptive speech: See L Lidsky and T Cotter, “Authorship, Audiences, and Anonymous Speech” (2007) 82 *Notre Dame Law Review* 1537-1604, at 1539, 1559. Reported incidents which illustrate how institutional interests may be damaged by the social media posts of staff members include the example of a nursing student who posted a picture of a patient’s placenta on Facebook; a student who posted inappropriate comments about a human cadaver on social media; and a student who covertly filmed his university roommate in an intimate moment with another man and posted about it on Twitter.

⁴⁷ S Cunnane, “Canadians feud over ‘attack’ on academic freedom” *Times Higher Education* 23 Feb 2012 available at www.timeshighereducation.co.uk/419125.article (accessed 18 June 14).

⁴⁸ S Jaschik, “Fireable Tweets” *Inside Higher Ed* 19 Dec 2013 available at www.insidehighered.com/news/2013/12/19/kansas-regents-adopt-policy-when-social-media-use-can-get-faculty-fired (accessed 18 June 14). R Schuman, “The Brave New World of Academic Censorship” *Slate* 23 December 2013 available at http://www.slate.com/articles/life/education/2013/12/kansas_university_system_censorship_social_media_and_academic_freedom.html (accessed 18 June 14). It is important to note that the academic in question included a disclaimer stating that the views expressed were not representative of or condoned by the university. In spite of this, the university claimed the professor had failed to distinguish his

this post engendered significant backlash against Guth and the University of Kansas. The institution chose to suspend Guth in response to this tweet. Later, the university lifted the suspension and Guth ultimately retained his position.⁴⁹

Following this incident, the Kansas Board of Regents introduced a new policy on the use of social media.⁵⁰ In December 2013 the board, which has governing power over six universities, granted discretion to individual institutions to discipline or terminate any faculty member who uses social media “improperly”.⁵¹ The new policy defined the improper use of social media so as to include any use that is “contrary to the best interests of the university”.⁵²

The breadth of available reasons to justify a dismissal over a social media post is striking. The wide reach of the policy is in particular evidenced by the ground that permits a dismissal in circumstances where a social media post impairs “harmony among co-workers”.⁵³ The board justified the new policy on the grounds of growing social media use and the “particular susceptibility” of social media “to misuse”.⁵⁴ In line with this reasoning, the board asserted that the universities under its purview required a provision outlining improper uses of social media in order to “operate in an efficient and effective manner.”⁵⁵

Such an all-encompassing policy has the clear potential to chill open academic debate when controversial social or political issues are under discussion. Open debate is a crucial aspect of legal education and an undue restriction of this freedom could stem the beneficial flow of ideas between the student and academic worlds. Following significant backlash from the academic community, the Kansas Board of Regents approved a revised policy in May.⁵⁶ In spite of paying lip service to the importance of

personal views from those of the university adequately. American Association of University Professors, “AAUP Draft Report on Academic Freedom and Electronic Communications” (Nov 2013) available at www.aaup.org/file/Academic%20Freedom%20and%20Electronic%20Communications_0.pdf (accessed 18 June 14), at 13.

⁴⁹ Inside Higher Ed, “Professor Suspended for Twitter Comment Will Stay Out of Classroom” *Inside Higher Ed* 25 Oct 2013 available at <https://www.insidehighered.com/quicktakes/2013/10/25/professor-suspended-twitter-comment-will-stay-out-classroom> (accessed 18 June 14). C Flaherty, “Protected Tweet?” *Inside Higher Ed* 23 Sept 2013 available at www.insidehighered.com/news/2013/09/23/u-kansas-professor-suspended-after-anti-nra-tweet#ixzz2wMok4uWD (accessed 18 June 14).

⁵⁰ Kansas Board of Regents, “Amend Existing Board Policy to Include Language Regarding Improper Use of Social Media” 18 Dec 2013 available at http://worldonline.media.clients.ellingtoncms.com/news/documents/2013/12/18/discussion_agenda_socialmediapolicy.pdf (accessed 18 June 14).

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ S Jaschik, see note 48 above.

⁵⁶ Kansas Board of Regents, see note 50 above. J Summers, “Educators not Satisfied with Revised Kansas Social Media Policy” *NPR* 25 May 2014 available at www.npr.org/blogs/ed/2014/05/25/315837245/educators-not-satisfied-with-revised-kansas-social-media-policy (accessed 18 June 14).

free speech however, the revised policy does little to address concerns regarding the vague and malleable nature of the original policy.⁵⁷

It is well accepted that academics have duties in addition to their freedoms in light of their special position in society.⁵⁸ There is general agreement that certain statements should not be protected. It would not be reasonable for an academic to claim the freedom to incite violence or commit fraud, for example.⁵⁹ It is crucial, however, that the line is drawn in deference to the democratic importance of academic freedom. While one may vehemently disagree with the statements made by Guth, censorship is not the role of the academy. Instead, reliance must be placed on “intellectual discourse and analysis”.⁶⁰ O’Neil points out that “[e]ducation is vastly preferable to regulation, quite as much in cyberspace as in more familiar physical space.”⁶¹ Fortunately, Twitter in this regard provides the opportunity for rapid correction, criticism, and debate of questionable tweets where necessary.

While an academic should not set out to deliberately offend, controversy does have a valuable role to play in the public discussion. According to Tierney, such debate aids the public good.⁶² Accordingly, society must be prudent when limiting the freedom of academics to explore controversial topics or opinions. Tierney points out

[w]hen debate is cut short or less dialogue occurs rather than more, the loser is not merely the individual whose voice is silenced but those in the broader society who look to the academy for an engaged understanding of frequently complex, often controversial issues.⁶³

Academic freedom has been described as being the “the vehicle by which individuals within the academy shape and participate in public discourse”.⁶⁴ If academic freedom is the vehicle, then Twitter and other social media appear to provide one of the most direct routes to fostering this discourse. Tierney states that the university provides a

⁵⁷ J Summers, see note 56 above. S Kruth, “Kansas Board of Regents Approves Self-Contradictory, Unclear Social Media Policy” *The Fire* 15 May 2014 available at <http://www.thefire.org/kansas-board-of-regents-approves-self-contradictory-unclear-social-media-policy/> (accessed 18 June 14).

⁵⁸ L Joughin (ed), *Academic Freedom and Tenure: A Handbook of the American Association of University Professors* (Madison: University of Wisconsin Press, 1967), at 132. W Tierney and V Lechuga, see note 6 above, at 118, 121.

⁵⁹ A notorious example of offensive speech that raised challenging questions was provided by Steven Landsburg (University of Rochester) when he questioned the actual harm caused by the rape of an unconscious person who incurred “no direct physical harm”. The Associated Press, “University of Rochester students want professor censured for Steubenville rape comments” *New York Daily News* 5 Apr 2013 available at <http://www.nydailynews.com/news/national/u-rochester-students-professor-censured-rape-comments-article-1.1308934> (accessed 18 June 14).

⁶⁰ F von Prondzynski, “The perils of free speech in the academy” (2013) available at <http://universitydiary.wordpress.com/2013/04/02/the-perils-of-free-speech-in-the-academy/> (accessed 18 June 14).

⁶¹ R O’Neil, *Academic Freedom in the Wired World* (Cambridge, MA: Harvard University Press, 2008), at 205.

⁶² W Tierney and V Lechuga, see note 6 above, at 130.

⁶³ *Ibid*, 131.

⁶⁴ *Ibid*, 120, citing, J Dewey, see note 9 above.

“‘speaker’s corner’ for society where debate is to be fomented rather than curtailed”.⁶⁵ The concept of a “speaker’s corner” also serves as a useful metaphor for social media sites like Twitter. It would be harmful to impose additional rules on this new and vibrant means of communication just as its benefits are being discovered.

In a report published in April 2014, the American Association of University Professors (AAUP) maintained that communications carried over electronic media should not receive a lesser degree of academic freedom protection.⁶⁶ While there are some identifiable features that distinguish social media from other forums for teaching and research, it is contended that these differences should have no bearing on the application of academic freedom to these modern media.⁶⁷ The AAUP assert that

[s]uch obvious differences between old and new media as the vastly greater speed of digital communication, and the far wider audiences that electronic messages may reach, would not, for example, warrant any relaxation of the rigorous precepts of academic freedom.⁶⁸

Considering the benefits of social media in both teaching and research, this statement appears sound. Accordingly, the freedom of academics to distribute research and foment debate through the use of social media should be largely unfettered if we are not to stymie the flow of ideas which is essential in a modern democracy.

6. How to regulate for academic freedom and social media

This brings us to the question of how best to ensure the protection of this integral principle in the connected world. While it would be necessary to examine practices on the ground to gain a full understanding of the levels of academic freedom in different legal systems, “logic dictates that academic freedom is likely to be better protected where reference to it is most explicit in law”.⁶⁹

While there is some limited statutory acknowledgement of the concept of academic freedom in the United Kingdom, Birtwistle has criticised the provisions as providing

⁶⁵ *Ibid*, 129.

⁶⁶ American Association of University Professors, “Academic Freedom and Electronic Communications” (Apr 2014) available at www.aaup.org/file/AcademicFreedomandElectronicCommunications.pdf (accessed 18 June 14), at 1. The AAUP originally made this statement in its 2004 report: “Academic freedom, free inquiry, and freedom of expression within the academic community may be limited to no greater extent in electronic format than they are in print, save for the most unusual situation where the very nature of the medium itself might warrant unusual restrictions – and even then only to the extent that such differences demand exceptions or variations. Such obvious differences between old and new media as the vastly greater speed of digital communication, and the far wider audiences that electronic messages may reach, would not, for example, warrant any relaxation of the rigorous precepts of academic freedom.” American Association of University Professors, “Academic Freedom and Electronic Communications Report” (Nov 2004) available at www.aaup.org/file/electronic-communications.pdf (accessed 18 June 14).

⁶⁷ While O’Neil recognises that academic speech on the internet raises different issues from academic speech in the physical world, he disputes the contention that the change in medium justifies a dilution of academic freedom. R O’Neil, see note 61 above, at 173.

⁶⁸ American Association of University Professors, see note 66 above, at 1.

⁶⁹ T Karran, see note 2 above, at 295.

“nothing of substance that actually provides a definitive statement.”⁷⁰ The *Education Reform Act 1988* provides some statutory recognition for the concept of academic freedom, however this protection only applies to those “pre-1992” royal charter higher education institutions.⁷¹ Accordingly, a significant percentage of UK academics do not receive the protection offered by the *Education Reform Act 1988*.⁷² In addition, while the *Higher Education Act 2004* imposes a duty on the Director of the Office for Fair Access “to protect academic freedom”, it must be noted that the concept of academic freedom in the *Higher Education Act 2004* focuses on the issue of institutional academic freedom.⁷³ The protection of institutional academic freedom does little to mitigate the risk faced by an academic wishing to contribute to the debate on potentially controversial issues.

In Ireland Section 12 of the *Irish Universities Act 1997* states that the objectives of a University include: the advancement of knowledge “through teaching, scholarly research and scientific investigation”; the fostering of “a capacity for independent critical thinking amongst its students”; and the dissemination of “the outcomes of its research in the general community.”⁷⁴ Section 14(2) of the *Irish Universities Act 1997* explicitly protects the rights of an academic member of staff to

have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions.⁷⁵

Moreover, the Act requires that an academic “shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.”⁷⁶

While it was hailed as a “major boost for academic freedom” when the Report of the Review of Higher Education Governance in Scotland recommended that Scotland “adopt and incorporate” the definition of academic freedom as provided in the Irish

⁷⁰ T Birtwistle, “Academic freedom and complacency: the possible effects if ‘good men do nothing’” (2004) 16 *Education and the Law* 203-217, at 216. D Palfreyman, “Is Academic Freedom Under Threat in UK and US Higher Education?” (2007) 19 *Education and the Law* 19-40, at 24.

⁷¹ Section 202 of the *Education Reform Act* deals with the functions of University Commissioners at pre-1992 Universities. According to the Act, the University Commissioners are to “ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institution”. *Education Reform Act 1988*, s 202(2)(a). See also, A Charlesworth, *Academic Freedom, Filtering, Censorship and Institutional Reputation* (Bristol: Centre for IT & Law University of Bristol, 2003) available at www.jisc.ac.uk/uploaded_documents/lis_PaperACharlesworth.rtf (accessed 18 June 14), at 1.

⁷² Staff employed in the former polytechnic universities do not receive protection from this provision. D Palfreyman, see note 70 above, at 20.

⁷³ The Act goes on to state that “academic freedom” includes “in particular, the freedom of institutions to determine the contents of particular courses and the manner in which they are taught, supervised or assessed; and to determine the criteria for the admission of students and apply those criteria in particular cases” *Higher Education Act 2004*, s 32(2).

⁷⁴ *Irish Universities Act 1997*, s 12.

⁷⁵ *Ibid*, s 14(2).

⁷⁶ *Ibid*.

Universities Act,⁷⁷ it is important to note that the Scottish Review also recommended the adoption of the Academic Freedom Policy of Trinity College Dublin (TCD) in order to implement the Act.⁷⁸ The review panel recommended that Scottish institutions adopt appropriate internal processes regarding, and be required to present statements to the Scottish Funding Council detailing, the implementation of the statutory protection of academic freedom provided by the institution. The mandate for additional, decentralised, and specific policies and processes built on consultation illustrates the importance of a transparent, predictable, and local system of protection if academic freedom is to be adequately protected.

The definition of academic freedom adopted by TCD has been recommended as a useful model for other institutions.⁷⁹ The statutes define academic freedom as:

The freedom, subject to the norms of scholarly inquiry, to conduct research, teach, speak, and publish without interference or penalty, no matter where the search for truth and understanding may lead.⁸⁰

In addition, the policy states that TCD

Will seek to develop the search for truth as a part of the experience of teaching and learning, relying not on the imposition of authority or acceptance of received knowledge but rather on the exercise of the critical faculties of the human mind.⁸¹

Institutional policies that reassure staff of their rights can contribute to a more hospitable environment for academic freedom. While national legislation is important, academics are likely to be more concerned with the policies of the institution and administration which holds the most direct power over their careers. Such local policies can also serve an important signalling role where they indicate to staff that the administration recognises academic freedom as a tangible right that requires protective procedures at the institutional level.

In order to ensure robust support for academic freedom, however, explicit and practical guidance is required. As pointed out by Charlesworth, an impractical code “merely provides a wider set of subjective terms over which to argue”.⁸² As the use of social media has increased, general university social media policies have become ubiquitous.⁸³ Such policies illustrate the eagerness of universities to protect their

⁷⁷ Irish Federation of University Teachers, “Major Boost for Academic Freedom” (2012) available at <http://www.ifut.ie/content/major-boost-academic-freedom> (accessed 18 June 14). F von Prondzynski, “Report of the Review of Higher Education Governance in Scotland” (Feb 2012) available at <http://www.scotland.gov.uk/Resource/0038/00386780.pdf> (accessed 18 June 14).

⁷⁸ F von Prondzynski, see note 77 above, at 7.

⁷⁹ F von Prondzynski, see note 77 above, at 7.

⁸⁰ Trinity College Dublin, “Policy on Academic Freedom” (27 October 2010) available at <https://www.tcd.ie/about/policies/academic-freedom.php> (accessed 18 June 14).

⁸¹ *Ibid.* P Prendergast, see note 8 above.

⁸² A Charlesworth, see note 71 above, at 2.

⁸³ See, for example, The University of York, “Social Media Guidelines” (2012) available at www.york.ac.uk/admin/hr/resources/policy/social-media-guidelines.htm (accessed 18 June 14); The University of Edinburgh, “New Policy for Social Media Use” (2013) available at www.ed.ac.uk/news/staff/social-media-policy-111213 (accessed 18 June 14); Harvard University,

institutional reputation. These policies also however have the potential to negatively impact academic freedom if the general policies are not also accompanied by a clear and precise protection for the academic freedom of those staff who choose to use social media. Crucially, institutional social media policies should follow the advice of the AAUP and explicitly acknowledge that the same right to academic freedom exists in the online space as exists in the lecture theatre and in peer-reviewed research.⁸⁴ Academics need to be confident of what their rights entail and what procedures and processes may apply to them if they suspect that their rights have been infringed.

A social media policy that provides adequate protection for academic freedom would, of course, stand in stark contrast to the social media policy adopted by the Kansas Board of Regents. In addition to being unduly prohibitive, a key problem with the policy is the striking lack of specificity. As discussed earlier, the Kansas Board of Regents' social media policy prohibits speech that impairs "discipline by superiors or harmony among co-workers".⁸⁵ The precise meaning of this phrase is impossible to determine and has the potential to capture an inordinate number of legitimate statements within its scope. The excessive breadth of this phrase is more than matched by the prohibition of any statements which are "contrary to the best interests of the employer". The imprecise and expansive nature of these phrases is exactly what must be avoided in the social media policy of a university which seeks to protect academic freedom.

Guidance for the form and content of a model social media policy could potentially be drawn from the protective approach taken by the University of Oregon in their free speech policy.⁸⁶ According to the policy,

Expression of diverse points of view is of the highest importance, not solely for those who present and defend some view but for those who would hear, disagree, and pass judgment on those views. The belief that an opinion is

"Guidelines for Using Social Media" (2012) available at www.provost.harvard.edu/policies_guidelines/Social_Media_Guidelines_FINAL_Version_1_0_effective_080112.pdf (accessed 18 June 14). It is clear that Universities have identified social network spaces such as Twitter and Facebook as essential tools of recruitment and promotion. Many institutions maintain public profiles on social networks in order to distribute communications and promote the brand of the University. Selwyn has noted that Universities use social networks sites as "alternative spaces" for students to interact with both faculty and peers. Many universities have social network accounts where constituents of the university can "interact, share resources and express "learner voice". Such activity indicates that university administrations appreciate the value of social media in communication. N Selwyn, see note 34 above, at 3. See also, A Yu et al, "Embedded Social Learning in Online Social Networking" in R Sabherwal and M Sumner, *Proceedings of International Conference on Information Systems* (St Louis: ICIS, 2010) 1-17 available at http://aisel.aisnet.org/icis2010_submissions/100 (accessed 18 June 14).

⁸⁴ American Association of University Professors, see note 66 above, at 1.

⁸⁵ Kansas Board of Regents, "Use of Social Media by Faculty and Staff" (2014) available at www.kansasregents.org/policy_chapter_ii_f_use_of_social_media (accessed 18 June 14).

⁸⁶ The University of Oregon, "Freedom of Inquiry and Free Speech" (2010) available at <http://policies.uoregon.edu/policy/by/1/01-administration-and-governance/freedom-inquiry-and-free-speech> (accessed 18 June 14).

pernicious, false, and in any other way despicable, detestable, offensive or “just plain wrong” cannot be grounds for its suppression.⁸⁷

The provision of specific examples of the type of statements that deserve protection, such as the examples provided in the University of Oregon policy, should serve to prevent misunderstandings or misrepresentations of what the true position is and will also provide academics with clear supportive authority to refer to when their rights are questioned.

As may be expected, social media posts which attract the most attention from the media and university administrations will often not be the most sympathetic contributions to the public debate. Guth’s hyperbolic criticism of the National Rifle Association was clearly insensitive and added little of value to the national conversation.⁸⁸ Other controversial examples of questionable use of social media by academics include a lecturer who was suspended for posting ill-judged status updates on her private Facebook page⁸⁹ and another academic who was disciplined for posting that overweight students would not have sufficient willpower to complete a PhD thesis.⁹⁰

The protection of such uses of social media is not the primary goal of a clear and accessible policy on academic freedom. Instead, an unambiguous social media policy should aim to protect the conscientious and cautious academic who hesitates to post a controversial thought online for fear of exposing him or herself to a reprimand. Academic freedom is not only hindered where an individual is penalised for a statement he or she makes. An even greater threat is posed to true academic inquiry and debate where the fear of reprisal encumbers authentic discussion.

The reality is that the existence of an environment of uncertainty surrounding the entitlement of an academic to express an opinion on a subject of controversy is likely to hinder the speech of many reasonable users of social media. There is evidence of concern in the academy regarding a perceptible chill of academic freedom. For example, Professor Dennis Hayes (University of Derby) has suggested that, “[q]uietude now dominates the academy”.⁹¹

⁸⁷ *Ibid.* The University of Oregon has also adopted a complementary policy providing broad protection for academic freedom specifically. University of Oregon, “Academic Freedom Policy” (2014) available at <http://policies.uoregon.edu/policy/by/1/01-administration-and-governance/freedom-inquiry-and-free-speech> (accessed 18 June 14). S Kruth, “U of Oregon Enacts Academic Freedom Policy for Students, Faculty, and Staff” *The Fire* 3 June 2014 available at <http://www.thefire.org/u-of-oregon-enacts-academic-freedom-policy-for-students-faculty-and-staff/> (accessed 18 June 14).

⁸⁸ Discussed above.

⁸⁹ Posts included: “Had a good day today. Didn’t want to kill even one student” and “Does anyone know where I can find a very discrete hitman, it’s been that kind of day”. M Miller, “East Stroudsburg U Suspends Professor for Facebook Posts” *The Chronicle of Higher Education* 26 Feb 2010 available at <http://www.chronicle.com/blogPost/East-Stroudsburg-U-Suspend/21498> (accessed 18 June 14).

⁹⁰ L Ingeno, “Fat-Shaming in Academe” *Inside Higher Ed* 4 June 2013 available at www.insidehighered.com/news/2013/06/04/outrage-over-professors-twitter-post-obese-students#ixzz2wKdtC113 (accessed 18 June 14).

⁹¹ M Reisz, “Academic freedom ‘doesn’t really exist’” *Times Higher Education* 12 Nov 2013 available at www.timeshighereducation.co.uk/news/academic-freedom-doesnt-really-exist/2008952.article (accessed 18 June 14).

Professor Oliver Bateman (University of Texas at Arlington) has discussed how his own expression on social media has been chilled recently.⁹² Bateman provides the example of how he hesitated to post a link to an essay endorsing reparations for African Americans in the United States. According to Bateman,

I paused to consider whether a casual observer might think that my retweeting of this piece constituted an endorsement of its thesis (this despite the fact that my Twitter account explicitly states that “retweets do not constitute endorsements”). To this hypothetical outside observer, such an avowedly “political” stance might appear to render me incapable of teaching the history of slavery or the Civil War in an unbiased manner – never mind, of course, that such positions often arise from a careful engagement with these subjects.⁹³

An atmosphere of quietude has the potential to stifle vibrant academic discourse, and such an atmosphere must be resisted if academics are to maintain their vital role in society.

While the law may provide some tangible protection for academic freedom, it is the everyday interpretation and perception of the law that will determine whether or not academic freedom is protected in reality.⁹⁴ It is submitted that legislation in tandem with appropriate university level policy statements are essential if academic freedom is to remain a protected value in the digital age. Ideally, such policies should be adopted in consultation with academic staff. These locally-issued statements should provide a positive affirmation of the application of academic freedom to faculty use of social media. The provision of such a statement should reassure faculty members that they are entitled to the same privilege of academic freedom on social media as they are granted at conferences or in lecture theatres. The provision of a clear policy is also in the general interest of the university administration as it provides guidance to the decision makers if any social media incidents do arise.⁹⁵ The function of university policies on academic freedom and social media should not be to limit academic freedom online (in the manner of the Kansas Board of Regents’ policy) but rather to enhance it. By providing clear policy guidelines, academics will be less prone to the type of chilling that might occur in the absence of an explicit policy.

⁹² O Bateman, “Don’t Regulate Professors’ Tweets” *Aljazeera America* 29 May 2014 available at <http://america.aljazeera.com/opinions/2014/5/kansas-social-mediapolicyuniversityprofessors.html> (accessed 18 June 14). See also, A Majeed, “Professor Explains Why Restrictive Social Media Policies Are So Harmful” 30 May 2014 available at www.thefire.org/professor-explains-why-restrictive-social-media-policies-are-so-harmful (accessed 18 June 14).

⁹³ O Bateman, see note 92 above.

⁹⁴ T Karran, see note 2 above, at 310.

⁹⁵ The University College Dublin Academic Council Task Force recognised the benefits of a clear statement on academic freedom generally when it acknowledged that a clear policy would “assist in informing decision-making, while the clarity afforded by a formal policy would help improve the overall operation of the University.” University College Dublin Academic Council Task Force, “Statement on Academic Freedom Final Report of the Academic Council Task Force” (Nov 2011) available at www.ucd.ie/registry/academicsecretariat/docs/saf.pdf (accessed 18 June 14).

Conclusion

The AAUP is alert to the risk that restrictive controls on academic use of social media could chill “the spirited exchange of ideas – however unpopular, offensive, or controversial – that the academic community has a special responsibility to protect.”⁹⁶ While there can be a downside to controversial speech, it has been argued that there is an intrinsic connection between the discussion of controversial political issues and the health of a democracy.⁹⁷ Hess points out that debating political issues can produce learning,

especially if the nature of the talk is structured to make it more likely that people will share, hear, and interrogate a variety of different interpretations about such important questions as what caused a problem and what the relative strengths and challenges associated with alternative solutions are.⁹⁸

At its best, Twitter performs this corrective function effectively and with immediacy. Grappling with alternative points of view on Twitter exposes students to new perspectives and encourages students to reason out their opinions. As pointed out by Professor Des Freedman (Goldsmiths’ College, University of London) students are made employable not through pandering to the short-term needs of the market but by helping students to become “independent, critically minded, autonomous and confident individuals.”⁹⁹

Academics are frequently encouraged to explore how they can connect their dual roles as teachers and researchers.¹⁰⁰ Social media provides the perfect opportunity to unite these interlinked activities. In addition to providing academics with an opportunity to share and discuss ideas with other researchers, social media sites such as Twitter open up this high-level discussion to a broader audience, including students. As students are comfortable in the social media environment, it provides an unthreatening opportunity for students to engage with the important current issues in their area of study. It appears certain that the importance of social media use will only increase, particularly due to the “changing nature of the students who are entering university.”¹⁰¹

⁹⁶ American Association of University Professors, see note 66 above, at 10. S Jaschik, “Reprimand for a Blog” *Inside Higher Ed* 12 Apr 2013 available at www.timeshighereducation.co.uk/inside-higher-ed-reprimand-for-a-blog/2003201.article (accessed 18 June 14).

⁹⁷ D Hess, *Controversy in the Classroom: The Democratic Power of Discussion* (New York: Routledge, 2009), at 11-26.

⁹⁸ *Ibid*, 17.

⁹⁹ J Humphreys, “Third-level education is a ‘confidence trick and scam’, forum told” *The Irish Times* 24 Oct 2013 available at www.irishtimes.com/news/education/third-level-education-is-a-confidence-trick-and-scam-forum-told-1.1570889 (accessed 28 June 14).

¹⁰⁰ See generally A Brew and D Boud, “Teaching and Research: Establishing the Vital Link with Learning” (1995) 29 *Higher Education* 261-273; B Clark, “The Modern Integration of Research Activities with Teaching and Learning” 68 *Journal of Higher Education* 237-255; C Hughes and M Tight, “Linking University Teaching and Research” (1995) 28 *Higher Education Review* 51-65; K Samuelowicz and J Bain, “Conceptions of Teaching Held by Academic Teachers” (1992) 24 *Higher Education* 93-111.

¹⁰¹ N Selwyn, see note 34 above, at 2.

On the other hand, the readily-accessible and shareable nature of social media suggests it could be a major battlefield for proponents of academic freedom in the coming years. It is submitted that this grim scenario could be avoided – or greatly mitigated – if academic institutions bring clarity to the situation by introducing protective social media policies that explicitly recognise the application of academic freedom to the social media context.