

CASE #7: MYSPACE INVASION

Twenty-five-year-old Stacy Snyder, a senior at Millersville University in Millersville, Pennsylvania, was dropped from the student-teaching portion of her course work after the staff at the high school where she was student-teaching viewed postings on her MySpace page.¹ Already frustrated by what the high school administration viewed as Stacy's poor subject knowledge, her weak grammar skills, and her overly informal attitude toward her students, the high school staff decided, after viewing Stacy's postings, that she was not an acceptable candidate for a teaching degree. When Stacy could not complete her required hours of student teaching because she was not allowed on the high school grounds, the university decided to award her a degree in English rather than the anticipated degree and certificate in teaching.

The postings that the high school staff found inappropriate included a photo of Stacy taken at a costume party. In the photo, Stacy is seen wearing a pirate hat, drinking from a plastic cup; the photo caption reads: "A Drunken Pirate."² Her MySpace page also included a posting that could be interpreted as a negative comment about her supervising teacher at the high school. Millersville University had warned the student-teachers earlier that they should not post any comments about the high school staff on their web pages, nor should they direct their students to personal web pages; both directives Stacy ignored. In addition to showing general bad judgment in posting questionable photos on MySpace, employers may generally dismiss an employee for failure to follow workplace policies.

Ms. Snyder filed a federal law suit against the university, claiming violation of her First Amendment rights.³ She sued for her degree in teaching and the right to apply for a certificate. Some states have enacted laws protecting employees from repercussions of personal postings on the web, but Pennsylvania does not.⁴

The federal judge ruled against Ms Snyder, stating that the university is under no obligation to award the teaching degree without the required hours of student teaching. The judge also stated that a teacher's First Amendment rights pertain to public matters only, not personal.⁵

¹ Stross, Randall, "How to Lose Your Job on Your Own Time," <http://www.nytimes.com/2007/12/30/business/30digi.html>, *New York Times*, (Dec. 20, 2007).

² "College Sued Over 'Drunken Pirate' Sanctions," <http://www.thesmokinggun.com/archive/years/2007/0426072pirate1.html>, *The Smoking Gun* (Apr. 26, 2007).

³ Krebs, Brian, "Court Rules Against Teacher in MySpace 'Drunken Pirate' Case," http://voices.washingtonpost.com/securityfix/2008/12/court_rules_against_teacher_in.html, *Security Fix* (blog), *Washington Post* (Dec. 3, 2008).

⁴ *Snyder v. Millersville University, et al.*, 2008 WL 5093140 (E.D. Pa., 2008), filings available at: <http://news.justia.com/cases/featured/pennsylvania/paedce/2:2007cv01660/228127/>, Justia.com.

⁵ Rosen, Lester, "Stacy the 'Drunken Pirate': A Federal Court Case in the MySpace Age," http://www.collegerecruiter.com/employersblog/2009/05/stacy_the_drunken_pirate_a_fed.php, collegerecruiter.com (May 19, 2009).