Allegany College of Maryland

PERSONAL ELECTRONIC ACCOUNT PRIVACY PROTECTION POLICY

Adopted date 2016
Approved by Board of Trustees 10/24/16
Implementation Date 11/1/16
Revised Date: 7/26/22
Type of Policy: Mandate (Maryland)

BACKGROUND AND PURPOSE

The Maryland General Assembly passed legislation that became law which requires all institutions of higher education to adopt and implement policy to protect students' personal social media privacy. This policy prohibits certain acts by the College and grants rights of civil recovery and damages for violations of the policy. In short, the policy prevents College officials from requiring or requesting students to allow the College access to their personal social media.

POLICY

I. SCOPE OF THE POLICY

This policy applies only to students' personal accounts and not to accounts created, owned, or managed by College or officials acting on its behalf. This policy's protections apply to current students, prospective students, and applicants to the College whether classes are taken for credit or non-credit. Where the word "student" is used, it encompasses current students, prospective students, and applicants. Acts prohibited by this policy apply to all College employees and/or any person authorized to act on behalf of the College in any capacity.

II. POLICY STATEMENT

This policy prevents College officials from requiring or requesting students to allow the College access to their personal social media.

III. Prohibited Acts

Allegany College of Maryland will not require, request, suggest, or cause a student to grant access to, allow observation of, or disclose information that allows access to or observation of the student's personal electronic account.

Allegany College of Maryland will not compel a student, as a condition of acceptance or participation in curricular or extracurricular activities, to add to his/her list of contacts associated with a personal electronic account any individual or to change the privacy settings associated with a personal electronic account.

Allegany College of Maryland will not take any action or threaten to take any action to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a student as a result of the student's refusal to do any of the following:

- Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;
- Add any individual to his/her list of contacts associated with a personal electronic account; or
- Change the privacy setting associated with a personal electronic account; or

Allegany College of Maryland will not fail or refuse to admit an applicant as a result of the applicant's refusal to:

- Grant access to, allow observation of, or disclose any information that allows access to or observation of a personal electronic account;
- Add any individual to his/her list of contacts associated with a personal electronic account; or

- Change the privacy setting associated with a personal electronic account.

IV. Permitted Acts

This policy may not be construed to prohibit Allegany College of Maryland from requesting or requiring a student to disclose access information to allow the college to gain access to an electronic account opened at the college's behest or provided by the college;

This policy may not be construed to prohibit or restrict Allegany College of Maryland from viewing, accessing, or utilizing information about a student that can be obtained without access information, is available in the public domain, or is available to the college as a result of actions undertaken independently by the student.

This policy does not create a duty requiring Allegany College of Maryland to search or monitor the activity of any personal electronic account;

This policy may not be construed to make Allegany College of Maryland liable for failing to request or require a student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account.

This policy may not be construed to prohibit a student from allowing an athletic coach or administrator to view the student's publicly accessible communications.

This policy does not apply to an investigation of suspected criminal activity into the publicly accessible communications of a student that is performed by Allegany College of Maryland's Office of Campus Security/Public Safety.

This policy does not apply to an investigation, inquiry or a determination relating to the publicly accessible communications of a student that is conducted in accordance with the college's health or public safety administration assessment policy or protocol.

This policy authorizes College employees to request a student, in order to complete an academic or career-based activity, to create a generic personal electronic account.

V. Procedures

Allegany College of Maryland shall adopt procedures to implement this policy. Such procedures shall include but are not limited to the following elements: definitions of terms, education and training, and how to report a violation of policy.

VI. Other Provisions

Nothing in this policy shall be construed to restrict or limit the College's ability to create, own, or manage its own electronic accounts.

Nothing in this policy shall be construed to restrict or limit College employees' ability to create, own, or manage their own personal electronic accounts; such accounts shall not be deemed official accounts for the College, nor shall content be deemed authorized or published on behalf of the College.

Nothing in this policy shall be construed to permit any person to use a personal electronic account to violate other College policies or to violate local, state, and laws including but not limited to harassment, sexual misconduct, sex discrimination, and other illegal discrimination.

Application of this policy may directly or indirectly require the application of other institutional policies;

nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. If the application of this policy conflicts with the application of another institutional policy, College will make a good faith effort to comply with all mandates. Related policies: Technology Resources Policy, Student Communication Policy, Code of Student Conduct, Sexual Misconduct and Sex Discrimination, Personnel/HR policies, Non-Discrimination Policy, Admissions Policy, Safety Risk Policy, FERPA Policy, and First Amendment Policy.

VII. Administration of Policy

Responsibility for policy oversight and administration is shared by College administrators with alleged violations to be reported to the appropriate employee's supervisor.

VIII. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.