

## Free Speech Comes With a Cost: Responsibility

In recent years, schools have made it a top priority to prevent bullying within their walls and online. Schools work to keep most things accessible. In fact, school administrators have the ability to check students' lockers, grades, and assignments. They do not need a search warrant to do these things because schools have handled problems differently than the legal system throughout the years. However, schools have started to come under fire for punishing kids who slander or rage about certain teachers, students, or facets of the school on social media. Schools should be able to view, review and discipline students who bully, slander, or defame the character of school employees or students online.

Whenever issues like this are made public, the accused students and their loyalists claim that they have free speech under the rights included in the First Amendment. Opinions on this vary greatly because some people believe that free speech allows a person to say whatever they want, and others believe that the law in question does not protect students who are defaming the character of teachers or students online. In a court ruling in 2007, it was decided that students should not be allowed to promote the use of illegal substances on campus or anywhere else (Facts and Case Summary: *Morse v. Frederick*). The majority of free speech cases where students have won their argument have involved political topics. An excellent example of this came in 1969 when a school principal suspended kids for wearing black arm bands during the Vietnam War (*Tinker v. Des Moines School District*). Aside from political cases, schools have typically been granted the freedom to discipline students in these situations.

One of the main jobs of schools is to teach and educate students. This education is meant to be much more than learning the basic subjects of math, reading, and science. Schools also

teach principles of organization, cooperation, respect, and responsibility. While many students learn that the First Amendment grants them free speech, they fail to understand that free speech is connected to responsibility. Without the other, each principle does not stand alone. As kids make their way from kindergarten to college, they definitely learn that they are held responsible for many things like their homework, actions, obedience to rules, and the words they use.

However, as is also the case with bullying, students neglect to realize the power of their words when they are talking about teachers and other parts of the school online. Unfortunately, the power of such words can be multiplied by the eyes of social media. According to Hudson, Jr., “The internet amplified all forms of speech – the good, the bad, and the ugly” (159). Compared to ranting about a teacher to some friends, posting an angry comment on Twitter will reach a wider audience and have a larger impact. While students have the right to free speech, they should be held responsible for what they say.

Schools aim to be a protective atmosphere that promotes learning. Like the famous phrase, ‘What happens in Vegas, stays in Vegas,’ much of what happens in schools, stays in schools. If students miss a class and are disciplined by having to attend detention, no one hears about it besides some students and perhaps their parents. A similar pattern takes place as students disobey a teacher, fail to turn in homework, or pick on other kids. The students face some form of disciplinary action, but the news does not travel outside of the school unless there are serious legal implications involved. This method of discipline is meant to help students learn from their mistakes, and it is supposed to prevent the news from reaching outside the school. Schools have long tried to protect students by keeping punishments in school, and that is where social media poses a hazard.

All Americans have the right to voice their opinion on touchy issues, and they can talk about many things with the protection of the aforementioned First Amendment. The *Tinker v. Des Moines School District* case was revolutionary because it clarified that students have the right to this protection also. Hudson, Jr. stated that it is unclear exactly what topics schools will have the right to silence (69). Bissonette, an attorney who has advised many schools about their social media policies, alleged that schools should prepare themselves for these types of situations. She said, “You hope that all of the school administrators, the folks in charge, are familiar with the law.” Bissonette also made it clear that free speech is a very touchy topic and administrators should know what they are in for if they limit students’ speech (as qtd. in Wurzer). A simple review of the cases *Tinker v. Des Moines School District*, *Morse v. Frederick*, and *Sagehorn v. Elk River School District* should be enough to remind school officials and students that the First Amendment does not affirm all cases involving schools and free speech rights.

The use of social media is constantly expanding. Part of the reason it can be so controversial is the fact that the writers of the First Amendment had no idea that a student’s profane comment about a professor could instantly be seen by thousands of other students. Since this is detrimental to each school’s goal of internalizing student offenses and punishments, the words used in the First Amendment hardly seem to fit the student’s situation. Unfortunately, situations will most likely remain hostile for many years to come because the laws in the Bill of Rights cannot be patched or changed. Ammori said that “Congress is not ‘abridging speech’” when someone gets sent to jail for yelling threatening words with a gun in hand because threats are not protected (234). People who argue that those who irresponsibly slander and defame character have a valid point in free speech cases, but there are many variables involved.

Many schools can avoid problems by choosing their disciplinary methods wisely. Schools should also create and distribute a detailed code of ethics. After administrators voice their concerns with the students, teachers, and parents who are involved, they should think long and hard before they decide to suspend a student. Suspension may send kids the wrong message and it takes students out of the protected atmosphere of the school. This is the point in cases where school districts can be flagged for defaming character and reputation. Instead, these instances should be confronted, and detention and suspension from extracurricular activities should be brought up before school suspension is chosen as an option.

As social media continues to grow in use, school officials who attempt to control what students say may find themselves in hot water. Students know that they have rights to free speech. However, there is a point where voicing your opinion online goes too far, and this is where administrators are forced to take action. Schools are a unique environment and should be able to punish students who break school policies. Whether these incidents involve bullying, slandering, or profanity, schools try to teach students that freedoms do come with responsibility. While school suspensions are a dangerous, questionable form of discipline, there are other ways to help students learn. Schools should choose disciplinary methods that do not damage or defame students' reputations. Students need to learn lessons that will benefit them for the rest of their lives. After all, is that not what schools are for?

1,232 words

### Works Cited

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