In October 2007, Kevin Colvin, an intern at the New York branch of the Anglo Irish Bank, asked his supervisor for time off for a family emergency. It happened to be Halloween. That night, a picture of Colvin dressed in a fairy costume surfaced on Facebook. He was promptly dismissed.

“He must have been Facebook friends with someone he worked with, because the picture made its way to his boss, who wrote him an email that said, ‘I hope everything is OK. Cool wand,’” says Kabrina Chang, a School of Management assistant professor of business law and employment law.

Chang (CAS’92), whose research into the legal issues surrounding off-duty social media behavior was published in the spring 2011 issue of the North Atlantic Regional Business Law Association’s Business Law Review, says 72 percent of 18- to-29-year-olds have a Facebook page, and 40 percent of those over 40 have a profile. At the same time, 85 percent of businesses have no policies that address social media. And while the Colvin case was ultimately one of deception, she says, “it got me wondering how big the problem is with people who post things on Facebook that could be harmful to a business’ reputation. I found some cases, but there aren’t that many.”

In one case, she says, a server at a restaurant set up a MySpace page to vent about work. He’d invited only other coworkers, past and present. The discussions became infused with sexual comments about customers and other employees and with references to violence and drug use. When the restaurant bosses got wind of it, they decided that the remarks were hurtful and harassing to other employees, as well as a bad reflection on the restaurant. The server was fired. He sued for invasion of privacy and violation of the Stored Communications Act, which protects communication that lives on a website, for example. The courts sided with him on the latter grounds.

“A woman who was invited by the MySpace site administrator showed her manager the page,” Chang explains. “The managers said the invited woman gave up the password voluntarily. But she testified that she didn’t feel she could have said no, because it was her boss. So they didn’t have authorized access. Had they had authorized access, I don’t think it would have been a problem firing him for it.”

Chang recently presented her social media research at a faculty symposium at SMG. Bostonia caught up with her to ask what workers and bosses need to keep in mind when it comes to activity on online networking sites.

How are companies crafting policies for online behavior? Companies pay a lot of money for marketing and recruiting online, but very few have policies dictating employee online behavior. Legally, employers probably have more rights than they think they do, but from a management perspective, I think they might be less willing to be overbearing and Big Brotherish. It’s a very delicate topic, because it might put a real damper on morale.

If computers are provided by employers, does that make everything fair game at any time, even something like your personal Gmail account? It does. Employees should recognize that if they’re using an office computer at work or off duty. There’s a really interesting case with the Philadelphia police department that’s not resolved, but percolating. A sergeant started a website called domelights.com, dedicated to talking about law enforcement issues. Over time, the Guardian Civic League argues,
there was a lot of racial harassment, derogatory remarks, the encouraging of racial profiling. Officers posted at home and at work, and they talked about it at work. The plaintiffs are suing the police department for allowing a racially hostile environment to exist at work based on what was going on online.

**What’s your advice for employers?**
Employers would be prudent to address the issue with employees in writing and in training seminars and handbooks, but not be overbearing, because that really sends a message to employees that you probably don’t want to send. On the other hand, there are cases out there that impose liability on employers for what happens online: for example, sexual harassment. There was a case where some airline pilots had a forum online. A bunch of comments were made among a host of conducts. There was a lot of racial harassment, derogatory remarks, the encouraging of racial profiling. Officers posted at home and at work, and they talked about it at work. The plaintiffs are suing the police department for allowing a racially hostile environment to exist at work based on what was going on online.

**What should workers consider when they’re online?**
Don’t put anything on your Facebook page you wouldn’t want your employer to see. I caution my students, too, when they’re looking for jobs, to clean up their Facebook pages. CALEB DANILOFF

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**University Sees Record Giving**

*Donations from alumni, trustees, Class of 2011 cap two superlative years for BU*

Defying an economy still in the doldrums, BU received an unprecedented $89.5 million from donors in the fiscal year ending June 30, making it the second record-breaking year in a row.

The number of alumni donors jumped 12 percent, meaning that more than 2,700 additional people gave to their alma mater in fiscal 2011 than did in the previous year. Gifts to the Annual Fund, which come from donors who don’t restrict the use of the money, also shattered a record, amounting to $7.85 million of the $89.5 million total. The support extends to the newest alumni: a record number of donors in the Class of 2011 gave to their Class Gift campaign.

“The national average of alumni participation has been eroding steadily,” says Scott Nichols, senior vice president for development and alumni relations. “A net gain of 2,700 donors not only reverses that trend, but now we’re gaining ground.”

Fiscal year 2010 also saw the University post record operating reserves and donor pledges.

“People see BU is a really good investment right now,” Nichols says. “Money, particularly in higher education, is attracted by quality and strength. There’s a point of pride: people want to know that BU is accomplishing what traditional universities accomplish, which is great teaching, great research, great service. At the end of the day, what happened in the classroom makes for supportive alumni.”

Nichols also credits President Robert A. Brown’s increased outreach efforts to alumni.

“The University’s made an important investment in alumni and development work,” he says. “It’s not just money and bodies; the president has made it a priority, as has the Board of Trustees—engaging, communicating across the board.” Before Brown became president, in September 2005, the University had received only one gift of more than $10 million from an individual in its history. It has tallied four such gifts since, and a fifth, to the T. George and Ernestine O’Connell (CAS’15) Memorial Scholarship, increased the scholarship fund by $7.8 million, from less than $1 million.

In addition, alumni are becoming more engaged in the University. In fiscal 2011, more than 41,000 alumni and friends attended over 800 BU meetings and events globally. “We estimate that was around 6,000 when Bob Brown became president,” says Nichols.

“I am heartened by the increased support of the University by our alumni and friends, especially during such difficult economic times,” Brown says. “This support, coupled with our careful financial management, will increase the breadth and quality of our academic programs. The increase in the number of alumni donors is very gratifying and critically important to the future of Boston University.”

Besides alumni support, the amount of money given to the University by its trustees rose 62 percent in fiscal 2011, to $13.3 million. Among the highlights of the year was a pledge from trustee Bahaa Hariri (SMG’90) for a new computation institute, which opened this fall.

BU is in the early mapping stages of a fundraising campaign and is exploring the feasibility of targets up to $1 billion. RICH BARLOW