

SB 355 – AS AMENDED BY THE HOUSE

14May2014... 1378h

2014 SESSION

14-2805  
04/06

SENATE BILL        **355**

AN ACT            relative to student social media policies by educational institutions.

SPONSORS:        Sen. Soucy, Dist 18; Rep. K. Rogers, Merr 28

COMMITTEE:      Health, Education and Human Services

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AMENDED ANALYSIS

This bill specifies permissible conduct by an educational institution regarding access to a student's social media account.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to student social media policies by educational institutions.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Subdivision; Educational Institution Policies on Social Media. Amend RSA 189 by  
2 inserting after section 64 the following new subdivision:

3 Educational Institution Policies on Social Media

4 189:65 Educational Institution Policies on Social Media.

5 I. An educational institution shall not:

6 (a) Require or request a student or prospective student to disclose or to provide access to  
7 a personal social media account through the student's or prospective student's user name, password,  
8 or other means of authentication that provides access.

9 (b) Require or request a student or prospective student to access a personal social media  
10 account in the presence of any employee of the educational institution in a manner that enables the  
11 employee to observe the contents of the personal social media account.

12 (c) Compel a student or prospective student to add anyone to his or her list of contacts  
13 associated with a personal social media account or require, request, suggest, or cause a student or  
14 prospective student to change the privacy settings associated with a personal social media account.

15 (d) Take or threaten to take any action against a student or prospective student to  
16 discipline or prohibit such student or prospective student from participation in curricular or  
17 extracurricular activities for refusal to disclose information or to take actions specified in  
18 subparagraphs (a)-(c).

19 (e) Fail or refuse to admit a prospective student as a result of the refusal by the  
20 prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

21 II. Nothing in this subdivision shall prohibit an educational institution from adopting a  
22 policy which permits:

23 (a) Conducting an investigation, without requiring or requesting access to a personal  
24 social media account through username, password, or other means of authentication, for the purpose  
25 of ensuring compliance with applicable law or educational institution's policies against student  
26 misconduct based on the receipt of specific information about activity associated with a student's  
27 social media account.

28 (b) Revoking a student's access, in whole or in part, to equipment or computer networks  
29 owned or operated by the educational institution.

30 (c) Monitoring the usage of the educational institution's computer network.

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1           III. This subdivision shall not apply to personal social media accounts that are created or  
2 provided by the educational institution if the student has been provided advance notice that the  
3 account may be monitored at any time by employees of the educational institution.

4           IV. In this section:

5           (a) “Educational institution” means a public or private school, college, university, or  
6 other institution that offers students, participants, or trainees an organized course of study or  
7 training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for  
8 employment.

9           (b) “Social media account” means an account, service, or profile on a social networking  
10 website that is used by a current or prospective student primarily for personal communications.  
11 This definition shall not apply to an account opened or provided by an educational institution and  
12 intended to be used solely on behalf of the educational institution.

13           2 Effective Date. This act shall take effect 60 days after its passage.