

# CREATING SOCIAL MEDIA LAW PROJECTS TO SENSITIZE BUSINESS STUDENTS TO APPROPRIATE DIGITAL CONDUCT

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## I. INTRODUCTION

*It takes 20 years to build a reputation and five minutes to ruin it.*  
— Warren Buffett

Each day, the world experiences the beauty and the bluster of social media. For example, when we learned about the death of music legend David Bowie,<sup>1</sup> a warm outpouring of emotion was instantly expressed globally through various outlets. The prior day, Ashley Olsen, an American artist living in Florence, Italy was found dead in her apartment.<sup>2</sup> Immediately, pre-investigation theories were posted on social media about whether the perpetrator was her boyfriend or a mysterious stalker/photographer referenced on the deceased's Instagram account weeks prior.<sup>3</sup> In a rush to report the news, many people on Twitter initially thought that one of the famous Olsen twins<sup>4</sup> had died:

*That Good You Talking About David Bowie But Nobody Talking About Actress #AshleyOlsen From Full House She Been Strangle To Dead*  
*NOOOOOOOOOO #AshleyOlsen is dead..... #TakeMeGodInstead<sup>5</sup>*

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<sup>1</sup> Joe Tacopino, *David Bowie dies after secret battle with cancer*, N.Y. POST (Jan. 11, 2016, 2:13 AM), <http://nypost.com/2016/01/11/david-bowie-dies-after-battle-with-cancer>.

<sup>2</sup> Fanuel Morelli & Nicole Winfield, *Italian police probe slaying of American's death as expats hope case won't turn into Knox-style saga*, U.S. NEWS (Jan. 10, 2016, 12:06 PM), <http://www.usnews.com/news/world/articles/2016-01-10/italian-police-probe-slaying-of-american-woman-in-florence>.

<sup>3</sup> Stephan Faris, *Online Life of American Murdered in Italy Spurs Theories About Her Death*, TIME (Jan. 11, 2016), <http://time.com/4175876/italy-murder-ashley-olsen-florence>. On her Instagram account, the deceased "includes the hashtags #stalkeralert and #creeperintheback. In another, from November [2015], she extends her middle finger to the photographer. She captioned it #fuckoff #creeper #santospirito #oltrarno #firenze." *Id.*

<sup>4</sup> Ashley and Mary-Kate Olsen, most notably from the television show, *Full House*. See *Full House*, IMDB, <http://www.imdb.com/title/tt0092359> (last visited Jan. 2, 2017).

<sup>5</sup> Posts found by author on Twitter (Jan. 11, 2016); see also Dan Evon, *Ashley Olsen Murder*, SNOPEs, <http://www.snopes.com/ashley-olsen-not-dead> (last updated Jan. 12, 2016).

As the Twitter community posted necessary corrections (*It's not #FullHouse #AshleyOlsen. Get a hold of yourself @twitter*), it became clear that Ms. Olsen's death was drawing inevitable parallels to the social media coverage of Meredith Kercher's homicide.<sup>6</sup>

In that case, Amanda Knox was one of the people accused of killing Ms. Kercher, her British study abroad roommate in Perugia, Italy. In 2015, the homicide portion of the charges was resolved by Italy's highest court.<sup>7</sup> From Ms. Knox's arrest in 2007—the infancy of social media<sup>8</sup>—to the case conclusion,<sup>9</sup> social networks ignited a worldwide war of words. For example, in 2013, a journalist following the vitriolic tone of devoted Knox case bloggers offered: “I Googled ‘Amanda Knox’ and got 7.1 million hits. I then tried ‘Amanda Knox’ and ‘bitch,’ which returned 1.7 million hits. ‘Amanda Knox’ and ‘pervert’ came back at 880,000 hits, and her name coupled with ‘slut’ yielded 380,000.”<sup>10</sup>

In response to ever increasing incendiary language that could promote violent behavior on its social medium, Twitter revised its user policy by banning threats and abuse on its platform, mostly aimed at “hateful conduct,” or those whose “primary purpose is inciting harm to others.”<sup>11</sup> The company stated: The updated language emphasizes that “Twitter will not tolerate behavior intended to harass, intimidate, or use fear to silence another user's voice. As always, we embrace and encourage diverse opinions and beliefs—

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<sup>6</sup> Unlike the Kercher case, Ms. Olsen's accused killer was convicted and sentenced in less than a year from the date of the incident. *Man sentenced for American woman's brutal murder in Italy*, CBS NEWS (Dec. 22, 2016, 9:26 AM), <http://www.cbsnews.com/news/american-ashley-olsen-murder-italy-senegalese-cheik-tidiane-diaw-prison-sentence>.

<sup>7</sup> Ralph Ellis & Hada Messia, *Tearful Amanda Knox says she's glad to have her life back*, CNN, <http://www.cnn.com/2015/03/27/europe/amanda-knox> (last updated Mar. 28, 2015, 2:09 PM).

<sup>8</sup> In 2007, Facebook stated that 58 million people were active on its platform. *Company Info*, FACEBOOK, <http://newsroom.fb.com/company-info> (reported in Dec. 2007).

<sup>9</sup> In 2015, when Ms. Knox was found innocent on her homicide charge, Facebook reported 1.01 billion daily active users on average (Sept. 2015). *Company Info*, FACEBOOK, <http://newsroom.fb.com/company-info>. In September 2016, Facebook reported 1.18 billion active daily users on average. *Id.*

<sup>10</sup> Douglas Preston, *Burn Her at the Stake*, SLATE (Apr. 19, 2013, 8:15 AM), [http://www.slate.com/articles/news\\_and\\_politics/foreigners/2013/04/amanda\\_knox\\_she\\_was\\_acquitted\\_of\\_the\\_meredith\\_kercher\\_murder\\_why\\_do\\_people.html](http://www.slate.com/articles/news_and_politics/foreigners/2013/04/amanda_knox_she_was_acquitted_of_the_meredith_kercher_murder_why_do_people.html).

<sup>11</sup> Brandon Bailey, *Twitter Revises Policy Banning Threats and Abuse*, AP NEWS ARCHIVE (Dec. 29, 2015, 8:12 PM), <http://www.apnewsarchive.com/2015/Twitter-adds-tougher-language-to-ban-on-hateful-conduct-and-threats/id-8e715e199ee7409a84002332c1cac8aa>. With respect to “hateful conduct,” the updated policy warns users that they “may not promote violence against or directly attack or threaten other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or disease.” *Id.*

but we will continue to take action on accounts that cross the line into abuse.”<sup>12</sup>

In 2016, Twitter added user options to curb abuse and harassment,<sup>13</sup> while Facebook and Google changed “their advertising policies to explicitly prohibit sites that traffic in fake news from making money off lies.”<sup>14</sup> In a climate where MTV warns teens and young adults about trusting profiles on social media platforms and dating sites, over 400 women were conned by one person, finally confronted on *Catfish: The TV Show*.<sup>15</sup>

Universities in the United States have taken notice and action when it comes to online speech, especially when anonymously posted. For example, an administrator at Dartmouth College admitted that she monitored such postings on YikYak,<sup>16</sup> while Emory University formed a task force to look into student complaints about abusive speech on YikYak, and the possibility of effectuating a *geofence*<sup>17</sup> around the zip codes, which contain its campus.<sup>18</sup>

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<sup>12</sup> *Id.* (per company blog post).

<sup>13</sup> Barbara Ortutay, *Twitter Adds New Options to Curb Abuse, Harassment*, AP NEWS ARCHIVE (Nov. 15, 2016, 12:56 PM), [http://www.apnewsarchive.com/2016/Twitter\\_adds\\_new\\_options\\_to\\_curb\\_abuse%2C\\_harassment/id-0e806720877242cfb96d187511c09eb3](http://www.apnewsarchive.com/2016/Twitter_adds_new_options_to_curb_abuse%2C_harassment/id-0e806720877242cfb96d187511c09eb3).

<sup>14</sup> Farhad Manjoo, *Social Media's Globe-Shaking Power*, N.Y. TIMES (Nov. 16, 2016), [http://www.nytimes.com/2016/11/17/technology/social-medias-globe-shaking-power.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news&\\_r=1](http://www.nytimes.com/2016/11/17/technology/social-medias-globe-shaking-power.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news&_r=1). See also Friedrich Geiger, *German Law Would Require Facebook, Social Media to Delete Fake News, Hate Speech*, WALL ST. J. (Dec. 16, 2016, 12:17 PM), <http://www.wsj.com/articles/german-law-would-require-facebook-social-media-to-delete-fake-news-hate-speech-1481908653>.

<sup>15</sup> Jordana Ossad, *This 'Catfish' Conned More Than 400 Women (Yes, You Read That Right)*, MTV NEWS (Aug. 10, 2016), <http://www.mtv.com/news/2895645/catfish-400-victims-zac>.

<sup>16</sup> Tyler Kingkade, *Your College Dean Might Be Spying On Your Yik Yak Posts*, HUFFINGTON POST (Nov. 20, 2015, 2:10 PM), [http://www.huffingtonpost.com/entry/colleges-monitoring-social-media\\_564f4756e4b0d4093a5765ae?utm\\_hp\\_ref=college](http://www.huffingtonpost.com/entry/colleges-monitoring-social-media_564f4756e4b0d4093a5765ae?utm_hp_ref=college). The college also had to deal with several instances with Bored@Baker, an “anonymous online forum, restricted to those with Dartmouth College emails, [with] a stream of text submissions that people could leave positive or negative votes on, much like JuicyCampus, College ACB and Yik Yak. But Bored@Baker was used to spout racist messages, threaten to lynch student protesters, and once had a ‘rape guide’ posted on it about a specific female student, who later came forward to say she was actually sexually assaulted. Dartmouth administrators apologized last year to a female reporter who Bored@Baker users suggested ‘running a train’ on when she came to campus.” Tyler Kingkade, *Why The Founder Of The Notorious Bored@Baker Finally Shut The Site Down*, HUFFINGTON POST, [http://www.huffingtonpost.com/entry/bored-at-baker-shut-down\\_566efb7de4b0f6ccee16f4270](http://www.huffingtonpost.com/entry/bored-at-baker-shut-down_566efb7de4b0f6ccee16f4270) (last updated Dec. 14, 2015).

<sup>17</sup> A geofence is a “virtual barrier [] that send alerts whenever anyone tried to send messages or data over the boundaries.” Patrick O’Donnell, *Parents guide to 10 ‘dangerous’ apps that are misused by predators or cyberbullying kids*, PLAIN DEALER, [http://www.cleveland.com/metro/index.ssf/2015/11/educators\\_warn\\_of\\_10\\_dangerous\\_apps\\_that\\_can\\_be\\_misused\\_for\\_cyberbullying\\_or\\_by\\_predators.html](http://www.cleveland.com/metro/index.ssf/2015/11/educators_warn_of_10_dangerous_apps_that_can_be_misused_for_cyberbullying_or_by_predators.html) (last updated Dec. 3, 2015, 9:38 AM).

Today, traditional business students have grown up with the internet during their entire lives, having used social media for the majority of that time. These platforms promote instantaneous dissemination of thought, oftentimes without filter or reflection, and with potential tragic consequences.<sup>19</sup> The communications world has thus transformed from a pre-Internet era of passive consumer consumption to a participatory forum of real time information clutter, where Millennials fail to distinguish actual news from fake news.<sup>20</sup>

Social media has further complicated personal and professional lives. What was once bullying in school or the workplace has turned into a 24/7 harassment tool, with *cyberbullying*<sup>21</sup> on the rise.<sup>22</sup> What was once hidden

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<sup>18</sup> Adam Carlson, *Emory will consider banning Yik Yak after student demands*, ATLANTA J.-CONST., <http://m.ajc.com/news/news/local-education/emory-will-consider-banning-yik-yak-after-student-nphbw> (last updated Dec. 11, 2015, 6:25 PM). In response to such concerns, Yik Yak removed elements of anonymity from the app, which had “been pilloried by existing users.” Casey Newton, *Yik Yak completes a pivot away from anonymity with status messages and a feed of nearby users*, THE VERGE (Aug. 16, 2016, 12:00 PM), <http://www.theverge.com/2016/8/16/12492152/yik-yak-redesign-local-yakkers-status-updates>. A loss of customer appeal possibly ensued and led to the layoffs of more than half of Yik Yak’s employees, even though the company reversed course and made anonymity optional. David Z. Morris, *Once-Hot Yik Yak Lays Off 60% of Employees*, FORTUNE, <http://fortune.com/2016/12/10/yik-yak-layoffs> (last updated Dec. 10, 2016, 4:46 PM). In April 2017, Yak announced that it was shutting down the app. Biz Carson, *The Yik Yak app is officially dead*, BUSINESS INSIDER, <http://www.businessinsider.com/yik-yak-shuts-down-2017-4?r=UK&IR=T> (last updated Apr. 28, 2017, 5:52 PM). For more information on “the rocky road the messaging app has traveled in its short life,” see Valeriya Safronova, *The Rise and Fall of Yik Yak, the Anonymous Messaging App*, N.Y. TIMES, <https://www.nytimes.com/2017/05/27/style/yik-yak-bullying-mary-washington.html> (last updated May 27, 2017).

<sup>19</sup> Jackie Salo, *Teen who killed herself in front of family is still being bullied online*, N.Y. POST, <http://nypost.com/2016/12/13/teen-who-killed-herself-in-front-of-family-is-still-being-bullied-online> (last updated Dec. 13, 2016, 5:36 PM).

<sup>20</sup> Camila Domonoske, *Students Have ‘Dismaying’ Inability To Tell Fake News From Real*, STUDY FINDS, NPR (Nov. 23, 2016, 12:44 PM), <http://www.npr.org/sections/thetwo-way/2016/11/23/503129818/study-finds-students-have-dismaying-inability-to-tell-fake-news-from-real>. However, it is not just students who are fooled by fake news reports on the Internet. *See Probe reveals stunning stats about fake election headlines on Facebook*, CBS NEWS (Nov. 17, 2016, 8:47 AM), <http://www.cbsnews.com/news/facebook-fake-election-news-more-popular-than-real-news-buzzfeed-investigation>. *See also* Jefferson Graham, *False CNN-porn report shows how fast fake news spreads*, USA TODAY, <http://www.usatoday.com/story/tech/2016/11/25/false-cnn-porn-report-shows-how-fast-fake-news-spreads/94441324> (last updated Nov. 25, 2016, 8:19 PM).

<sup>21</sup> Cyberbullying is generally defined as “any bullying that takes place online, or using electronic technology.” Dustin Watson, *The Big Question – Cyberbullying*, LINN COUNTY LEADER (Nov. 1, 2016), <http://www.linncountyleader.com/news/20161101/big-question---cyberbullying>. *See generally infra* notes 55–78 (comparing cyberbullying and cyberlibel).

<sup>22</sup> *In schools, cyberbullying is on the rise. See Bullying Statistics*, BULLYINGSTATISTICS.ORG, <http://www.bullyingstatistics.org/content/bullying-statistics.html> (last visited Nov. 11, 2017).

youthful indiscretions in a pre-social media world has turned into the need for college students to scrub their internet presence in the hopes of securing a job offer upon graduation.<sup>23</sup> Posting fun work-related pictures online in a work uniform cannot only be misconstrued, they can get you fired.<sup>24</sup>

While social media has both a positive<sup>25</sup> and negative<sup>26</sup> impact on society, this article judges neither. Rather, its purpose is to sensitize business students on appropriate and ethical use of the Internet in private and work lives. To do so, the author developed numerous student projects over several years, dating from social media's early days to present day.

This article discusses several projects. First, it illustrates the use of social media law projects as active learning tools, through *The Facebook Project: Dealing with Employee Gripe Sites* (Appendix A) and *Game of Tweets* (Appendices B, C, and D). Second, it addresses how social media law projects can foster student understanding of international legal issues such as criminal libel, cyberlibel, and cyberbullying, with *Country Law & Social Media Assignment* (Appendix E) and *Amanda Knox and Criminal Defamation* (Appendix F). Finally, the article details what the author learned when developing these projects. While the exercises were developed for use

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See also Lisa Nagele-Piazza, *Employers May Want to Consider Cyberbullying Policies*, BLOOMBERG BNA (Dec. 29, 2015), <http://www.bna.com/employers-may-consider-n57982065583> (finding workplace cyberbullying is on the rise).

<sup>23</sup> Heather Wood Rudolph, *How to Clean Up Your Social Media Before the Job Hunt*, COSMOPOLITAN (Oct. 21, 2014), <http://www.cosmopolitan.com/career/news/a31442/how-to-clean-up-your-social-media-before-the-job-hunt>. In fact, recruiters may reject potential job applicants, even for inappropriate comments made on a dating web site. Natalie C. Young, *Inappropriate Social Media Activity Dooms Job Applicant's Prospects*, NAT'L L. REV. (Oct. 11, 2016), <http://www.natlawreview.com/article/inappropriate-social-media-activity-dooms-job-applicant-s-prospects>. To highlight this concern, one job recruiter cites that "up to 92 percent of recruitment agencies prescreen candidates on social media." Maridel Reyes, *5 ways social media can turn your job into a total nightmare*, N.Y. POST (Nov. 14, 2016, 2:09 AM), [http://nypost.com/2016/11/upr14/5-ways-social-media-can-turn-your-job-into-a-total-nightmare/?utm\\_campaign=SocialFlow&utm\\_source=NYPTwitter&utm\\_medium=SocialFlow&sr\\_share=twitter](http://nypost.com/2016/11/upr14/5-ways-social-media-can-turn-your-job-into-a-total-nightmare/?utm_campaign=SocialFlow&utm_source=NYPTwitter&utm_medium=SocialFlow&sr_share=twitter).

<sup>24</sup> A Taco Bell employee was fired when a photo of him licking several stacked taco shells was posted on social media. Susanna Kim, *Licked Taco Bell Shells Not Served to Customers, Company Says*, ABC NEWS (June 5, 2013), <http://abcnews.go.com/Business/taco-bell-licked-taco-shells-served/story?id=19328741>. The shells "were in the process of being thrown out," and two employees used them for an internal contest. The image was not accepted but it was posted "on a personal social media page in violation of the franchisee's policies." *Id.*

<sup>25</sup> Olivia Crellin, *'Droughtshaming' hopes to out California water cheats*, BBC NEWS (May 20, 2015), <http://www.bbc.com/news/blogs-trending-32789579>.

<sup>26</sup> *Peep app for rating human beings causes uproar*, BBC NEWS (Oct. 1, 2015), <http://www.bbc.com/news/technology-34415382>.

in Legal Environment of Business and other undergraduate courses,<sup>27</sup> they are easily adaptable for use at the graduate level.

### A. Active Learning with Social Media Projects

Active learning is a teaching method where “students engage in activities, such as reading, writing, discussion, or problem solving that promote analysis, synthesis, and evaluation of class content.”<sup>28</sup> Rather than having a professor deliver passive lectures for student consumption, active learning focuses on students placing themselves at the center of their learning.<sup>29</sup> In addition, active learning activities are tailored to today’s students, “members of the MTV/Google Generation (and its various synonyms), [who] grew up with the Internet and its riches.”<sup>30</sup>

Students use social media such as “Facebook and Instagram to interact with each other, gather information, attract attention, find dates, make social comments, and conduct business.”<sup>31</sup> These digital tools lead “participants to seemingly adopt new cultural norms in the conduct of their everyday lives.”<sup>32</sup> For this reason, the author designed active learning projects geared to students’ communication preferences, rather than forcing them to log in to and use the university’s *learning management system* (LMS).

#### 1. Active Learning and the Facebook Project

Approximately ten years ago, the author opened a Facebook account and was stunned when reading inappropriate postings littering the social network. Sensing a teaching opportunity, he created a Facebook project for

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<sup>27</sup> Internet Law, Introduction to Law, Legal Environment of Business, and Social Media Law syllabi are on file with the author.

<sup>28</sup> CTR FOR RESEARCH ON LEARNING AND TEACHING, UNIV. OF MICH., <http://www.crlt.umich.edu/tstrategies/tsal> (last visited Jan. 2, 2017).

<sup>29</sup> For journal articles containing active learning activities, see Tanta M. Marcum & Sandra Perry, *Flips and Flops: A New Approach to a Traditional Law Course*, 32 *J. LEGAL STUD. EDUC.* 255 (2015), <http://onlinelibrary.wiley.com/doi/10.1111/jlse.12028/full>; Maxine Morgan-Thomas, *Acting Out in Class: The Group Role-Play Advantage over PowerPoint Presentations*, 19 *J. LEGAL STUD. BUS.* 119 (2015); and Susan Park & Denise Farag, *Transforming the Legal Studies Classroom: Clickers and Engagement*, 32 *J. LEGAL STUD. EDUC.* 17 (2015).

<sup>30</sup> Adam Epstein, *Teaching Torts with Sports*, 28 *J. LEGAL STUD. EDUC.* 117, 118 (2011), <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1722.2010.01086.x/full>. A professor’s use of “sport-related videos in class can be a fun and engaging way to connect with them as their guide through torts.” *Id.*

<sup>31</sup> Lee B. Burgunder, *The Selfie-Made Man: A Case Study in Law, Ethics, and Instagram*, 33 *J. LEGAL STUD. EDUC.* 181 (2016), <http://onlinelibrary.wiley.com/doi/10.1111/jlse.12046/full>.

<sup>32</sup> *Id.*

Legal Environment of Business students, who were assigned to *friend* the professor; find inappropriate comments anywhere on Facebook; and post them to the professor's *wall*. Thereafter, students discussed the freedoms and limits of online speech, including the implications of an employee posting derogatory or libelous comments about an employer.<sup>33</sup>

Students were given the following scenario:

***The Facebook Project: Dealing with Employee Gripe Sites***<sup>34</sup>

*SCENARIO: Assume that you work as a middle manager for Social Media Law, Inc. ("SMLaw"). A disgruntled person has started a web site, www.SMLawIncSucks.com, which is highly critical of the company. You suspect that the owner of the website may be a current employee. Assume that SMLaw does not have a social media policy. In the below scenarios, SMLaw determines that this Internet activity did not occur on work equipment, whether stationary or mobile.*

Students were instructed to find inappropriate items posted on the web by employees, draw analogies to the above scenario, and discuss the implications of such postings in a workplace setting. This exercise provided learners an opportunity to apply classroom material to the real world, interact with the professor on a social media tool, and reinforce learning when discussing the issues in the following class session.

## 2. Active Learning and Gamification

In Spring 2013, the author taught Internet Law at his university. In that class, students formed a Twitter community and commented on trending Internet law news. For example, students researched the Twitter postings of a guest speaker, prior to his class presentation on how social networks create challenges worldwide when governments censor speech. Using our class *hashtag*,<sup>35</sup> students were able to research, share, and analyze his tweets, which included:

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<sup>33</sup> See Appendix A for a copy of the Facebook Project, which is also discussed in Perry Binder & Nancy R. Mansfield, *Social Networks and Workplace Risk: Classroom Scenarios from a U.S. and EU Perspective*, 30 J. LEGAL STUD. EDUC. 1, 38–39 (2013), <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1722.2013.01113.x/abstract>.

<sup>34</sup> A gripe site is a blog or web site maintained to criticize a person or company. See, e.g., Deanna Conn, *Internet gripe sites and rants: Can anything be done?*, INSIDE COUNSEL (Feb. 1, 2016), <http://www.insidecounsel.com/2016/02/01/internet-gripe-sites-and-rants-can-anything-be-don>.

<sup>35</sup> Using Twitter, "the pound sign (or hash) turns any word or group of words that directly follow it into a searchable link. This allows you to organize content and track discussion topics

*Emiratis in the #UAE favorite my tweets but they don't retweet them. Don't blame them. Could easily lead to imprisonment. #AbuDhabi #Dubai.*

As a result, students were engaged and better prepared to ask questions of the guest speaker.<sup>36</sup>

A few years later, the author integrated student incentives for out-of-class Internet Law activities, with the goal of elevating in-class discussions. To do so, he implemented *gamification* techniques. Gamification involves the application of game-design thinking to non-game applications in an attempt to make the latter more fun.<sup>37</sup>

Outside of the college classroom, a fluid collaboration among students and the professor has become essential for recreating classroom synergy. The gamification of college courses, even in large sections,<sup>38</sup> may offer that window into higher order collaborative learning. While there are many approaches to gamify a class, the technique generally involves “the incorporation of gaming elements, such as scoring, competition, leveling, etc., in educational, or other, contexts that are not typically game-like.”<sup>39</sup> In addition, gaming promotes: “Creativity; Contentment; Awe and Wonder; Excitement; Curiosity; Pride; Surprise; Love; Relief; and Joy.”<sup>40</sup>

Games have been played not only for recreational reasons,<sup>41</sup> but in training people for fields including corporate, military, and healthcare.<sup>42</sup> In

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based on those keywords.” Rebecca Hiscott, *The Beginner’s Guide to the Hashtag*, MASHABLE (Oct. 8, 2013), <http://mashable.com/2013/10/08/what-is-hashtag/#gQBBZVdoOkqx>.

<sup>36</sup> Web materials for Internet Law are available at <http://www.gsuinternetlaw.blogspot.com>.

<sup>37</sup> While there is no universal definition of gamification, it is “a means of engaging with customers that treats the entire end-to-end process as a game – albeit a semi-serious one. Rewards can be gained and achievements unlocked by completing certain tasks or a series of tasks, just as a customer would if they were playing a game on their smartphone. There are also elements of social media and personalisation, designed to make each customer engagement challenging and unique.” *Gamification – A Trading Game Changer?*, GAME INDUSTRY NEWS, (Oct. 9, 2016), <http://www.gameindustry.com/news-industry-happenings/gamification-trading-game-changer>. However, there are research gaps as to the effectiveness of gamification in various industries. *People Love Games – but Does Gamification Work?*, KNOWLEDGE @ WHARTON (Feb. 3, 2016), <http://knowledge.wharton.upenn.edu/article/people-love-games-but-does-gamification-work>.

<sup>38</sup> Heong Weng Mak, *The Gamification of College Lectures at the University of Michigan*, GAMIFICATION.CO (Feb. 8, 2013), <http://www.gamification.co/2013/02/08/the-gamification-of-college-lectures-at-the-university-of-michigan>.

<sup>39</sup> Heidi Beezley, *Gamification and D2L*, GA. STATE UNIV. INFO. SYS. AND TECH. (May 28, 2014), <http://sites.gsu.edu/exchange/2014/05/28/gamification-and-d2l>.

<sup>40</sup> *Id.* (citing JANE MCGONIGAL, *REALITY IS BROKEN: WHY GAMES MAKE US BETTER AND HOW THEY CAN CHANGE THE WORLD* (Penguin Press 2011)).

<sup>41</sup> Worldwide, the *Angry Birds* game app has billions of downloads. Dennis Kennedy, *GAME PLAN: Challenges, Rewards Can Get Tedious Tasks Done*, 100 A.B.A. J. 28 (2014).

higher education, “games can take many forms, including multiplayer and single-player video games, virtual worlds such as *Second Life*, online simulations, and social media applications including location-based services like *Foursquare*.”<sup>43</sup> For example, Northeastern University School of Law used technology to develop a game which “teaches people who want to represent themselves how to prepare for a court appearance, including what to wear and how to address the judge.”<sup>44</sup>

The beauty of most games is that they give students “a sense of immediate success and progress. Instead of waiting for the end of the year to get your grade, imagine if you accumulated a sense of progress with every action you did every single day.”<sup>45</sup> In addition, games can encourage students to push their personal boundaries: “They provide users a sense of improving themselves, and they provide challenges perfectly suited for them. Imagine if students (or even adults) were always encouraged to improve themselves incrementally. You aren’t done after you secure an ‘A,’ that’s just one phase of a never-ending journey of learning and discovery.”<sup>46</sup> While gamification in e-learning platforms may increase student motivation, a significant time commitment is needed for the effective design and implementation of such an undertaking.<sup>47</sup> However, not all students remain engaged and some students may be discouraged from some activities:

On the one side, experiment qualitative analysis suggests that gamification can have a great emotional and social impact on students, as reward systems and competitive social mechanisms seem to be motivating for them. Reward systems suppose an

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<sup>42</sup> Salvatore Parise & Eliana Crosina, *How a Mobile Social Media Game Can Enhance the Educational Experience*, 8 MERLOT J. OF ONLINE LEARNING AND TEACHING, NO. 3 (2012), [http://jolt.merlot.org/vol8no3/parise\\_0912.htm](http://jolt.merlot.org/vol8no3/parise_0912.htm).

<sup>43</sup> *Id.*

<sup>44</sup> Dan Kittay, *Not just fun and games: Lawyers and the public learn via gamification*, 39 BAR LEADER, NO. 2 (2014), [https://www.americanbar.org/groups/bar\\_services/publications/bar\\_leader/2014-15/november-december/not-just-fun-and-games-lawyers-and-the-public-learn-via-gamification.html](https://www.americanbar.org/groups/bar_services/publications/bar_leader/2014-15/november-december/not-just-fun-and-games-lawyers-and-the-public-learn-via-gamification.html) (explaining a project with The Connecticut Bar Foundation to support the use of games in public legal education).

<sup>45</sup> Shantanu Sinha, *Motivating Students and the Gamification of Learning*, HUFFINGTON POST, [http://www.huffingtonpost.com/shantanu-sinha/motivating-students-and-t\\_b\\_1275441.html](http://www.huffingtonpost.com/shantanu-sinha/motivating-students-and-t_b_1275441.html) (last updated Apr. 15, 2012).

<sup>46</sup> *Id.* See also Jimmy Daly, *Where does Gamification Fit in Higher Education?* [#Infographic], EDTECH FOCUS ON HIGHER EDUC. (Nov. 30, 2012), <http://www.edtechmagazine.com/higher/article/2012/11/where-does-gamification-fit-higher-education-infographic>.

<sup>47</sup> Adrián Domínguez, et al., *Gamifying learning experiences: Practical implications and outcomes*, 63 COMPUTS. & EDUC. 380, 391 (Apr. 2013), <http://www.sciencedirect.com/science/article/pii/S0360131513000031>.

innovative, fun and encouraging way to represent progress within an online educative experience. Leaderboards also serve as a source of motivation because students see their work publicly and instantly recognized, and because they can compare their progress with other classmates. These good results don't happen for everyone though. For many, the system was not motivating enough to participate along the course. In some cases the system was even discouraging, as some students don't find it fun to compete with their classmates for a rank in the leaderboard.<sup>48</sup>

Hand-in-hand with motivation issues, the game designer must take appropriate steps to reduce technical barriers and be wary of the learning curve faced by students.<sup>49</sup> With these factors in mind, and with a growing body of research on the pedagogical value of computer-based gaming,<sup>50</sup> the author set out to create an experiential learning environment for students outside of class.

### 3. The Game of Tweets Project

The author's goals for creating Game of Tweets in the Internet Law course were to sensitize students to appropriate and inappropriate conduct on social media in a way which would be fun, and to create incentives to reward active student participation in the game. Given that the author has no expertise in game design, he set out to create a real world game with very simple rules. The class project was divided into three phases, partially detailed below.<sup>51</sup>

In Games of Tweets, participants earned points by competing with fellow students to discover and assess appropriate and inappropriate content found on social networks. The contest was linked to an extra credit point system. Using Twitter, students posted original tweets, and then vied with fellow classmates for the most Twitter *followers* and to influence the most Twitter users worldwide. The students influenced the most Twitter users by the number of re-tweets, favorites, and replies posted to their tweets.

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<sup>48</sup> *Id.*

<sup>49</sup> Parise & Crosina, *supra* note 42.

<sup>50</sup> For example, “[a]s highlighted by DeKanter (2005), when paired with the appropriate content, computer games can offer a three-dimensional learning construct, with teachers talking to students, students challenging one another, and an entire class discussing the causes and effects of a game scenario. Games provide a platform for continuous learning by encouraging students to explore course concepts and learn through trial and error (Thomas & Brown, 2011).” Parise & Crosina, *supra* note 42.

<sup>51</sup> See Appendix B for complete text of the project and game rules.

Ultimately, the goal of the Game of Tweets project was for students to strive to be ethical digital citizens.

### ***Game of Tweets***

***Phase I. How the Game Begins.*** *This phase ensures that all students know how to use Twitter with proficiency.*

*Every student must have a Twitter account set up by \_\_\_\_\_ (date/class time) \_\_\_\_\_. In this course, we discuss Internet privacy, so if you wish to set up a locked and/or anonymous account, we will discuss how to do so in class.*

*Once your account is set up, we will have a class session where the professor adds you as a Twitter “Follower” to his/her account. In turn, the student must follow the professor back. Subsequently, the professor will create a Class List on Twitter, and add each student to the list.*

***Phase II. Required Virtual Class Session.*** *In this phase students and the professor interact with each other and the general public on Twitter.*

*The class will have a “virtual” session during class time on (date) \_\_\_\_\_. At that time, students are required to:*

- 1. post three original tweets with the #LGLS hashtag (Topic to be selected by the professor in a prior class);*
- 2. react to three fellow student postings (again, with the #LGLS hashtag); and*
- 3. find three (3) postings from the general public to Retweet and/or Favorite.*

The professor was on Twitter during the virtual session, responding or reacting to several student tweets.<sup>52</sup> During the next in-person class session, the professor and students discussed the dynamics of the virtual activity, and collectively explored what it means to be an ethical digital citizen.

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<sup>52</sup> See Appendix C for a list of “Hot Topics” provided to students for discussion in the class session prior to the virtual session.

**Phase III. How to Earn Extra Credit Points.** This phase gives students two extra credit opportunities, through a contest designed to demonstrate the power and reach of social media.

**A. Most Followers**

*Point Distribution for the most Followers obtained between the following:*

\_\_\_\_\_ (date/start of class time) and \_\_\_\_\_ (date/start of class time).

Individual points added to your Team Project grade:

- Five (5) points to the top person (or persons in the event of a tie)
- Three (3) points to top 50% of the class
- One (1) Point to the bottom 50% of the class
- Zero (0) points if you do not participate

**B. Bonus Points: Retweets/Favorites**

Individual points added to your Team Project grade:

- Three (3) points to the person with the most combined Retweets/Favorites on ONE of your #LGLS posts. If there is a tie, both students will get the three (3) points.
- Student/s must show evidence of this post to get credit.

Game of Tweets was created before the author met his students. He fully expected challenges usually attendant with trying a new class experiment,<sup>53</sup> more fully explained in Section III of this article.

**B. International Legal Issues and Social Media Law Projects**

In 2010 and 2012 respectively, the author taught Social Media Law in Northern Italy and Introduction to Law in Florence, Italy. These courses planted the seeds for him to explore social media vitriol attendant to the Amanda Knox case, and inspired him to infuse his traditional law courses with an international learning component. Below are two projects that emerged from that teaching experience.

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<sup>53</sup> See Appendix D for the anonymous student feedback form filled out by students after the Game of Tweets project.

## 1. The Country Law & Social Media Assignment

The goals for this assignment<sup>54</sup> include:

- *Learn about the legal system of a country outside the United States;*
- *Identify and research (on the internet) a controversial legal issue in that country—examples include human rights violations, global Innocence Project cases, criminal prosecution for libel or slander, corporate corruption (bribery), corporate misconduct (dumping toxic materials in bodies of water), corporate gross negligence (avoidable oil spills), etc.; and*
- *Monitor and describe content posted by participants on social media on issues related to Goal #2. (Important: Do not engage participants in any medium, for reasons explained in class.)*

Students were required to explain in detail the controversy they researched, pertaining to the country selected. Then the students needed to express both sides of the issue, the affected individuals, groups, and/or governments, and an objective point of view as to their positions. In addition, the students were tasked with identifying social networks monitored, and describing the individual participants posting/replying (as well as the levels of volatility and effectiveness of social media usage), whether any communications were posted anonymously, etc. Finally, they discussed whether this social media activity is in violation of the country's laws or any international law, and whether participants potentially faced prosecution, civil liability, both, or neither. The project was divided into the following sections:

***SECTION A.*** *Choose a country (other than the United States) and detail the legal system using the attached format.*

***SECTION B.*** *Explain in detail the controversy you researched, pertaining to the country selected in Section A. Give both sides of the issue, the affected individuals, groups, and/or governments, and your objective point of view as to their positions. Utilize traditional news sources and non-traditional outlets for your research (e.g. blogs).*

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<sup>54</sup> See Appendix E for the complete text of the Country Law & Social Media Assignment.

**SECTION C.** *Identify the social network/s monitored, describe the individual participants posting/replying (as well as the levels of volatility and effectiveness of social media usage), whether any communications were posted anonymously, etc. In addition, discuss whether this social media activity is in violation of the country's laws (from Section A) or any international law, and whether participants potentially face prosecution, civil liability, both, or neither.*

Students chose countries if they had a personal motivation or just to follow timely topics in international news. Several learners were interested in global speech issues as compared to such rights in the United States.<sup>55</sup> That topic is addressed below, with a series of projects on criminal libel laws, cyberbullying, and the Amanda Knox case.

## 2. Criminal Libel and Cyberbullying Laws in the United States

A legal commentator stated: “When you give the government the power to criminalize lies, you give it the power to determine what is true and what is false, and which lies to prosecute. That’s a dangerous tool.”<sup>56</sup> In the United States, each state has a civil remedy for libel,<sup>57</sup> whether or not falsehoods are published in print or via social networks. There are currently nineteen states<sup>58</sup>

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<sup>55</sup> For example, these students researched legal issues in the following countries: Brazil (slander case); China (censorship); Dominican Republic (defamation); Eritrea (censorship); Russia (privacy); and Thailand (freedom of speech). For an article dealing with journalists arrested for reporting stories in opposition to a government, see Max Blau, et al., *Turkey detains 13 journalists after mass firings of public servants*, CNN, <http://www.cnn.com/2016/10/31/europe/turkey-firings-decree/index.html> (last updated Oct. 31, 2016, 12:56 PM).

<sup>56</sup> David Klepper, *RI repeals a law which made it a crime to fib online*, YAHOO (June 26, 2012, 7:06 PM), <https://www.yahoo.com/news/ri-repeals-law-made-crime-210248566.html> (quoting Jonathan Turley, a law professor at George Washington University).

<sup>57</sup> “Libel” in the state of Georgia is defined as follows:

“(a) A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.

(b) The publication of the libelous matter is essential to recovery.”

O.C.G.A. § 51-5-1 (2010).

<sup>58</sup> Alabama (ALA. CODE 1975 § 13A-11-160 (West, Westlaw through Act 2016-485 of the 2016 First Special Session)); Florida (FLA. STAT. ANN. §§ 836.01–836.11 (West, Westlaw through the end of the 2016 Second Regular Session and Special A Session)); Idaho (IDAHO CODE ANN. § 18-4801-09 (West, Westlaw through end of the 2016 Second Regular Session)); Louisiana (LA. REV. STAT. ANN. § 14:47 (West, Westlaw through the 2016 First Extraordinary, Regular, and Second Extraordinary Sessions)); Massachusetts (MASS. GEN. LAWS ANN. ch. 272, § 98C (West, Westlaw through Chapter 298 of the 2016 2nd Annual Session)); Michigan (MICH. COMP. LAWS ANN. § 750.370 (West, Westlaw through P.A.2016, No. 317, of the 2016

that treat libel as a crime, though prosecutions are rare. The advent of the internet forced states to grapple with twenty-first century libel issues. In 2010, for example, Rhode Island repealed its criminal libel statute against the “transmission of false data,” in part prompted by a case where a former prison guard was arrested for setting up a false Facebook page for his boss.<sup>59</sup> The guard’s attorney explained: “Everybody lies online. . . . You shouldn’t be dragged into court and told that you can’t tell people you’re 6 feet tall when you’re not.”<sup>60</sup>

Further, effective civil remedies for victims of cyberlibel are far more elusive than for traditional libel victims, since it is nearly impossible to continually monitor and erase content on the Internet. In a Texas case, an attorney had to close down his law office and his wife had to close her business when an anonymous person allegedly posted “more than 25,000 false online comments about [their] drug dealing and sexual perversions.”<sup>61</sup>

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Regular Session)); Minnesota (MINN. STAT. ANN. §§ 609.765, 609.77 (West, Westlaw through the end of the 2016 Regular Session)); Mississippi (MISS. CODE ANN. § 97-3-55 (West, Westlaw through the end of the 2016 First and Second Extraordinary and Regular Sessions)); Montana (MONT. CODE ANN. § 45-8-212 (West, Westlaw through the 2015 Session)); Nevada (NEV. REV. STAT. ANN. § 200.510 (West, Westlaw through the end of the 78th Regular Session and 29th Special Session)); New Hampshire (N.H. REV. STAT. ANN. § 644:11 (Westlaw through Chapter 330 of the 2016 Regular Session)); New Mexico (N.M. STAT. ANN. § 30-11-1 (Westlaw through the end of the Second Regular Session of 52nd Legislature)); North Carolina (N.C. GEN. STAT. ANN. § 14-47 (West, Westlaw through Chapters 93, 95-101 of the 2016 Regular Session)); North Dakota (N.D. CENT. CODE ANN. § 12.1-15-01 (West, Westlaw through the 2016 Special Session)); Oklahoma (OKLA. STAT. ANN. §§ 771–74, 776–81 (West, Westlaw through the Second Session of the 55th Legislature)); South Carolina (S.C. CODE ANN. § 16-7-150 (Westlaw through 2016 Session)); Utah (UTAH CODE ANN. § 76-9-404 (West, Westlaw through 2016 Third Special Session)); Virginia (VA. CODE ANN. § 18.2-417 (West, Westlaw through end of the 2016 Regular Session); and Wisconsin (WIS. STAT. ANN. §§ 942.01, 942.03 (West, Westlaw through 2015 Act 392)). The Virgin Islands also has a criminal libel statute (V.I. CODE ANN. tit. 59 § 1172 (Westlaw through Act 7887 of the 2016 Regular Session). The following states recently repealed similar laws: Colorado (COLO. REV. STAT. 18-13-105) repealed by 2012 Colo. Legis. Serv. ch. 113, § 1, eff. Sept. 1, 2012; Georgia (O.C.G.A. § 16-11-40) repealed by 2015 GA. LAWS Act 70 § 3-1 eff. July 1, 2015; Kansas (KAN. STAT. ANN. § 21-4004) repealed by 2010 Kan. Sess. Laws ch. 136 § 307 eff. July 1, 2011. In Illinois, it a misdemeanor to libel a bank or financial institution. 720 ILL. COMP. STAT. ANN. 300/1 (West, Westlaw through 2016 Regular Session). Kentucky has a statute that allows any court or judge to bring a criminal action for libel or slander. KY. REV. STAT. ANN. § 432.280.

<sup>59</sup> Klepper, *supra* note 56.

<sup>60</sup> *Id.* (quoting John Grasso, the defense attorney).

<sup>61</sup> Debra Cassens Weiss, *Judge Overturns \$13.8M Award to Lawyer and Wife for Online Libel*, ABA J. (June 14, 2012, 1:37 PM),

[http://www.abajournal.com/news/article/judge\\_overturns\\_13.8m\\_awarded\\_to\\_lawyer\\_and\\_wife\\_for\\_online\\_libel](http://www.abajournal.com/news/article/judge_overturns_13.8m_awarded_to_lawyer_and_wife_for_online_libel) (noting the jury verdict was overturned by the judge). The civil defendants accused the couple and their ranch hand of sexual assault, but the three were acquitted in a criminal prosecution in 2009. *Id.*

In Georgia, a man lost his job and moved 200 miles to get away from the local chatter posted online about him, after his fiancée was shot and killed by her ex-husband:

Shortly after her death, a community discussion board lit up with wild accusations. An anonymous poster hiding behind six user names labeled Cooley, among other things, a pervert and a drug user. It was all fabrication. ‘I thought it was several people,’ Cooley said. ‘I didn’t understand why they were attacking me.’<sup>62</sup>

Cooley was awarded \$404,000, and he worked with a state legislator in an attempt to pass a cyberlibel crime bill in Georgia.<sup>63</sup>

In contrast to the United States, many European Union (“EU”) nations cherish individual privacy to the point of passing laws with a chilling effect on speech.<sup>64</sup> The following section contrasts such criminal libel laws in the United States with the laws of Italy, a member of the EU.

### 3. The Amanda Knox Project: Criminal Libel Laws and Cyberbullying

Italy has criminal sentences ranging from six months to six years for various forms of defamation.<sup>65</sup> Understandably, there are movements in

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<sup>62</sup> Jerry Carnes, *Georgia man wins \$404,000 in Internet libel lawsuit*, CHI. SUN-TIMES (Jan. 21, 2011). When questioned in court about her motives in posting false comments about Cooley, the woman said: “I watched him, and I can tell a pervert. Every time a pretty girl walked by, he would look at them. I get a feeling.” *Id.*

<sup>63</sup> *Id.* Georgia does have a criminal defamation statute, but it is limited to prosecuting one’s speech which “breaches the peace.” Criminal defamation in Georgia is defined as follows:

(a) A person commits the offense of criminal defamation when, without a privilege to do so and with intent to defame another, living or dead, he communicates false matter which tends to blacken the memory of one who is dead or which exposes one who is live to hatred, contempt, or ridicule, and which tends to provoke a breach of the peace.

(b) A person who violates subsection (a) of this Code section is guilty of a misdemeanor.

O.C.G.A. § 16-11-40 (2010).

<sup>64</sup> Currently, 24 of the 28 European Union nations have criminal defamation statutes. Scott Griffen, *Out of Balance: Defamation law in the European Union: A Comparative Overview for Journalists, Civil Society and Policymakers*, chart A, INT’L PRESS INST. (Jan. 2015), <http://legaldb.freemedia.at/wp-content/uploads/2015/05/IPI-OutofBalance-Final-Jan2015.pdf> (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden).

<sup>65</sup> Sophie Taylor, *Amanda Knox faces further six years in jail*, THE WEEK (June 1, 2010), <http://www.theweek.co.uk/people-news/amanda-knox-free/14287/amanda-knox-faces-further-six-years-jail>.

Italy—especially among journalists—to reform such laws.<sup>66</sup> For example, the Italian journalism union threatened a national strike, unless a proposed bill in Italy’s Senate to maintain criminal sentences for journalists (while merely fining their editors for criminal slander) was defeated.<sup>67</sup> In an effort to introduce the topic of civil and criminal libel, the author created many social media law projects related to the Amanda Knox case.

A lesser-followed aspect of the Amanda Knox case involved criminal defamation charges. Amanda Knox was convicted of falsely accusing bartender Patrick Lumumba of Ms. Kercher’s murder, and was sentenced to *time served*, after spending approximately four years in jail on the homicide conviction.<sup>68</sup> In addition, criminal slander charges were filed against Ms. Knox<sup>69</sup> and her parents<sup>70</sup> for their comments on how the police conducted their custodial interrogation. Similar slander charges were filed against blogging journalists who criticized the lead prosecutor in the case.<sup>71</sup>

In Internet Law,<sup>72</sup> students participated in interactive classroom activities and completed a written project, as they compared and contrasted

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<sup>66</sup> Marie-Andree Weiss, *Defamation, Italian Style*, DIG. MEDIA L. PROJECT (Oct. 1, 2012, 1:42 PM), <http://www.dmlp.org/blog/2012/defamation-italian-style>.

<sup>67</sup> The bill was defeated 123–29. *Id.*

<sup>68</sup> Richard Allen Greene, *Italian jury clears American Amanda Knox of murder*, CNN (Oct. 3, 2011, 9:32 PM), <http://www.cnn.com/2011/10/03/world/europe/italy-knox-appeal>. Jonathan Martin, *Amanda Knox’s strength to deal with social-media specters*, SEATTLE TIMES (Nov. 3, 2016, 11:28 AM), <http://www.seattletimes.com/opinion/amanda-knoxs-strength-to-deal-with-social-media-specters>.

<sup>69</sup> Steve Scherer, *Amanda Knox acquitted of slander charges against Italian police*, REUTERS (Jan. 14, 2016, 3:59 PM), <http://www.reuters.com/article/us-italy-knox-slander-acquittal-idUSKCN0US2PU20160114>. In 2016, Ms. Knox was found not guilty of that charge. *Id.*

<sup>70</sup> Doug Longhini, *Amanda Knox’s parents to go on trial in Perugia*, CBS NEWS (Mar. 20, 2012, 11:49 AM), [http://www.cbsnews.com/8301-504083\\_162-57398361-504083/amanda-knoxs-parents-to-go-on-trial-in-perugia](http://www.cbsnews.com/8301-504083_162-57398361-504083/amanda-knoxs-parents-to-go-on-trial-in-perugia).

<sup>71</sup> Candace Dempsey, *Amanda Knox prosecutor threatens Italian and U.S. journalists*, SEATTLE POST-INTELLIGENCER (Apr. 19, 2011 10:54 AM), [http://blog.seattlepi.com/dempsey/2011/04/19/prosecutor-threatens-italian-journalists-over-amanda-knox-case\\_](http://blog.seattlepi.com/dempsey/2011/04/19/prosecutor-threatens-italian-journalists-over-amanda-knox-case_); *see also*, INT’L PRESS INST., *Italian journalist given prison sentence for defamation*, INT’L PRESS INST. (Mar. 5, 2015), <http://legaldb.freemedia.at/2015/03/05/italian-journalist-given-prison-sentence-for-defamation>; *Italian journalist sentenced to jail for defamation*, GAZZETTA DEL SUD (May 23, 2013), <http://www.gazzettadelsud.it/news/english/47602/Italian-journalists-sentenced-to-jail-for-defamation.html>; Lorenzo Franceschi-Bicchierai, *Italians Face Criminal Charges for Negative Facebook Post*, TripAdvisor Review, MASHABLE (Nov. 23, 2013), <http://mashable.com/2013/11/23/italians-criminal-charges-facebook-tripadvisor/#t.IvdtX5zuqU>; and David Loepp & David Habakkuk, *Scaramella Condemned for Aggravated Calumny in Rimini*, EUROPEAN TRIBUNE (Dec. 5, 2012, 3:24 AM), <http://www.eurotrib.com/story/2012/12/4/191342/931>.

<sup>72</sup> Syllabus is on file with the author. The evolving Internet Law course web site is available at <http://www.gsuinternetlaw.blogspot.com>.

the criminal defamation laws discussed in the Amanda Knox case with libel laws in the United States.<sup>73</sup> Since traditional students grew up using the Internet, they are aware that flippant comments on social networks—whether true or not—can go *viral*. In this regard, students examined whether or not cyberlibel should be a crime, due to the enduring nature of content in cyberspace, as opposed to pre-Internet forms of publication.

In studying libel laws, students balanced and assessed the right to anonymous speech on the web; duty to investigate facts; ethics of posting false information online; consequences of cyberlibel,<sup>74</sup> chilling effect of criminal defamation laws; and privacy rights of individuals who fall victim to cyberlibel. Finally, students compared cyberlibel with cyberbullying, where the former involves misstatements of facts, while the latter may contain truthful but hurtful speech.

Cyberbullying<sup>75</sup> takes many forms, including that of *trolling*, where anonymous internet *trolls* or “monsters . . . hide in darkness and threaten

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<sup>73</sup> In the state of Georgia, a “libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.” O.C.G.A. § 51-5-1(a) (2010).

<sup>74</sup> To date, fewer than ten Twitter cyberlibel cases have been filed, with none resolved at trial. Roger W. Feicht, et al., *Twibel: The Intersection of Twitter and Libel*, 90 FL. BAR J. 32 (2016), <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/8c9f13012b96736985256aa900624829/1bcd9c3fd04e42f8525801a005ffef2!OpenDocument>.

<sup>75</sup> Most public schools in the United States have in-person bullying and cyberbullying statutes. In the state of Georgia, for example, cyberbullying is prohibited and applies to acts:

which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose.

O.C.G.A. § 20-2-751.4(a) (2010). *Outside of the public school system, there is little recourse in the United States for individuals who are bullied, whether in-person or online. However, in February 2017, a twenty-one-year-old supervisor in Missouri was indicted on involuntary manslaughter charges, as the “primary actor” in the face-to-face bullying of her seventeen-year-old employee, who committed suicide. Travis M. Andrews, A horribly bullied teen committed suicide. Now his former Dairy Queen boss has been charged with involuntary manslaughter., WASH. POST (Feb. 2, 2017), [https://www.washingtonpost.com/news/morning-mix/wp/2017/02/02/a-horribly-bullied-teen-committed-suicide-now-his-former-dairy-queen-boss-has-been-charged-with-involuntary-manslaughter/?utm\\_term=.761f8f65d6ae](https://www.washingtonpost.com/news/morning-mix/wp/2017/02/02/a-horribly-bullied-teen-committed-suicide-now-his-former-dairy-queen-boss-has-been-charged-with-involuntary-manslaughter/?utm_term=.761f8f65d6ae). In addition, there is a growing trend to prevent cyberbullying in the U.S. workplace. See Nagele-Piazza, *supra* note 22. Internationally, a handful of countries have criminal sanctions for cyberbullying. For example, in Australia, workplace bullies and cyberbullies can face up to ten years in prison. Geoff Wilkinson, Brodie Panlock's law: Workplace and cyber bullies face 10 years behind bars, HERALD SUN (Apr. 6, 2011, 10:23 AM), <http://www.news.com.au/finance/work/web-of-threats-ended-in-alle-m-halkics-death/story-e6frfm9r-1226033734630#ixzz21BYFHq9I>. Cyberbullying is covered by the law “if it is part*

people” online.<sup>76</sup> Some trolls do this for *lulz* or laughs with clever pranks, while others intend to harass or threaten people.<sup>77</sup> A recent Pew Research Center survey “found that 70% of 18-to-24-year-olds who use the Internet had experienced harassment, and 26% of women that age said they’d been stalked online.”<sup>78</sup> Given the age of his traditional college students, the author felt compelled to sensitize business students to appropriate digital online conduct.

In the first portion of the project, students responded to interactive classroom questions via a *student response system*,<sup>79</sup> to ensure anonymity and 100% class participation. The survey was designed to obtain responses before students studied legal issues in depth.

Sample questions included:<sup>80</sup>

1. *All traditional forms of libel (pre-Internet) should be a crime (as well as a civil action for monetary damages) in the United States.*

*Choose “A” for AGREE; “B” for DISAGREE*

2. *All forms of “cyberlibel” (libeling someone over social networks) should be a crime (as well as a civil action for monetary damages) in the United States.*

*Choose “A” for AGREE; “B” for DISAGREE*

3. *Cyberbullying should be a civil action for monetary damages in the United States.*

*Choose “A” for AGREE; “B” for DISAGREE*

4. *Cyberbullying should be a crime in the United States.*

*Choose “A” for AGREE; “B” for DISAGREE*

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*of a pattern of conduct likely to cause physical or mental harm, or fear of it.” Id. In Italy, privacy laws may protect victims of cyberbullying outside the workplace. In a novel case, Google executives were tried and convicted in absentia, when accused of not quickly taking down a video of an Italian child being bullied by other children (overturned on appeal). Manuela D’Alessandro, Google executives acquitted in Milan autism video case, REUTERS (Dec. 21, 2012, 7:50 AM), <http://www.reuters.com/article/us-google-italy-privacy-idUSBRE8BK0JI20121221>.*

<sup>76</sup> Joel Stein, *How Trolls Are Ruining the Internet*, TIME (Apr. 18, 2016), <http://time.com/4457110/internet-trolls/>.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* (citing *Online Harassment*, Pew Research Center (Oct. 23, 2014), <http://www.pewinternet.org/2014/10/23/12113>).

<sup>79</sup> A student response system or *clicker* is “technology used to promote active learning” in the classroom. Margaret Martyn, *Clickers in the Classroom: An Active Learning Approach*, EDUCAUSE REV. (Jan. 1, 2007), <http://er.educause.edu/articles/2007/1/clickers-in-the-classroom-an-active-learning-approach>.

<sup>80</sup> See Appendix F for all survey questions.

Thereafter, students were assigned an out-of-class written assignment, where they researched these issues:

**Section A.** *Identify and discuss the specific Italian Code section, the prohibited criminal conduct, and the maximum sentence for:*

- 1- *The crime that Knox was convicted of, re: statements about Lumumba*
- 2- *The criminal charges pending against Knox and the cyberlibel charges against her parents, re: statements about police. (The prosecutor recommended charges to protect what he calls “the good name of the police department.”)*
- 3- *Criminal charges (if pursued) against the blogger if he hypothetically made false statements of fact about the prosecutor.*

**Section B.** *All fifty states permit a civil cause of action for the tort of libel:*

*In the state of Georgia, libel is a civil tort, not a crime. However, in many states, certain forms of libel are a tort as well as a crime.*

*Choose and support a position:*

- 1- *Both libel per se and libel per quod (but not including cyberlibel) should be crimes in the United States.*
- 2- *Both libel per se and libel per quod (but not including cyberlibel) that were intentional/actual malice (as opposed to negligence/gross negligence) should be crimes in the United States.*

**Section C.** *Cyberbullying (different from internet libel if the content is harassing but there are no false statements asserted) is a growing problem in the United States. Many schools in the United States have implemented policies prohibiting student cyberbullying.*

*Choose and support a position:*

- 1- *All cyberbullying should be a crime in the United States.*
- 2- *Cyberbullying in the workplace should be a crime in the United States.*
- 3- *Cyberbullying is free speech and should not be a crime in the United States.*

Finally, the author created an in-class reinforcement activity to see what students learned.

After the Amanda Knox project was graded and given back to the students for feedback and discussion, the students voted again on each question from the first in-class activity, to ascertain whether their opinions changed or stayed the same. Students gained a deeper understanding of libel and cyberbullying laws in the United States and Italy. The original in-class questions differed from the more detailed questions in the written project. These differences were the result of a spirited class debate on the loose wording of those original questions, and led students to rewrite the questions in class, thus evidencing a higher level of learning.

### *C. Lessons Learned from Social Media Projects*

The author's primary goal in designing social media law projects was to sensitize business students to appropriate and ethical digital practices, whether in the workplace or their personal lives. To do so, he set out to develop interactive and thought-provoking exercises on students' social media *turf*, as they recognized and analyzed the implications of their actions on a global stage. Most of the projects worked as anticipated, while one likely requires fundamental changes.

#### 1. Active Learning Projects

The Facebook Project was first used ten years ago, and served as an easy out-of-class exercise to connect students with each other, by having them post and react to inappropriate content on the professor's wall. It is a simple exercise for professors to integrate into a curriculum, but it also tests their comfort level of friending and interacting with students in a setting far more informal than the classroom or email. With the Game of Tweets project, the author gave students the freedom to generate their own topics on Twitter or refer to a handout given out in the prior class session on then-trending topics.<sup>81</sup>

There were 33 students participating in this assignment. Of that number, eighteen students never used Twitter before entering the Internet Law course. On a pre-exercise anonymous survey questionnaire, where first time Twitter users were asked to rate their level of resistance to setting up a Twitter account on a scale of 1–5 (where 1 was “Very Resistant” and 5 was “Not at all Resistant”), the results were 3.7.<sup>82</sup> With respect to the virtual class session,

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<sup>81</sup> See Appendix C for the complete text of the Handout for Students Just Prior to Virtual Session.

<sup>82</sup> See Appendix D for the complete text of the Anonymous Student Feedback Form.

everyone was asked to rate their initial level of skepticism in participating in the virtual class session on a scale of 1–5, where one was “Very Skeptical” and 5 was “Not at all Skeptical.” These results were 4.0. On a post-exercise survey, everyone was asked to rate the effectiveness of the virtual class activity, with regard to what it means to be an ethical digital citizen. On a scale of 1–5, where 1 was “Not Effective” and 5 was “Very Effective,” the results were 4.1.<sup>83</sup> The anonymous feedback on improving the project was revealing.<sup>84</sup>

For the extra credit assignment, students rated whether the level of incentive was worth the time and effort on a scale of 1–5 (where 1 was “Not Worth Time/Effort” and 5 was “Definitely Worth Time/Effort”). These results were 3.4.

Based on student feedback,<sup>85</sup> the gamification features had several flaws, including the level of incentives needed to maximize full participation,

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<sup>83</sup> Anonymous feedback on “Top Takeaways” from the virtual session included:

- *The virtual class session makes it very easy to communicate with all class members and get their opinions.*
- *Social media truly spreads information very quickly in real time.*
- *I learned how to be an ethical virtual citizen while also being fun and comedic.*
- *If you organize a large enough group, you can push a trend to spread awareness about anything.*
- *Everybody in class was engaged in the assignment.*
- *Very useful tool, especially with hashtags.*

<sup>84</sup> The feedback included:

- *Maybe have more sessions like these.*
- *Maybe doing it in class to reduce any possible confusion.*
- *Stay more on topic. There were some slightly irrelevant quotes I found interesting, but did not pertain to the guidelines of the [project].*
- *Over such a short period of time (1 hour) it's hard to keep track of everything that's going on.*
- *Possibly have waves of stories – assign people to originally post at a certain time.*
- *Reduce the requirement for original tweets because it can be difficult to find interesting articles that haven't already been tweeted.*

<sup>85</sup> Feedback on area(s) of improvement for the extra credit project included:

- *Have a longer period where we could participate.*
- *It should be for the whole semester. That way people will put more effort in it.*
- *Make it more competitive [by having the professor compete too] but never actually winning.*
- *I'm not sure we were learning. I just followed hundreds of random people and 80 or so followed back. 5 points is 5 points though.*
- *More incentive for winning.*
- *Don't give everyone a point for not doing anything.*
- *I don't like social media, but I did learn some new things.*
- *[E]veryone should start off with a fresh new Twitter account strictly for class because those who already have a following have an advantage at getting more followers, retweets, and favorites.*

and the unfair advantage certain students may have when others are not adept at using social media. It is clear to the author that adjustments are needed for the next time the project is assigned. In addition, the author needs to assess whether this portion of the project should be fixed or abandoned, as he balances a troubling student comment (“I’m not sure we were learning”<sup>86</sup>), with the spirit of student competition and incentives first contemplated.

## 2. International Cases

The Country Law & Social Media Assignment<sup>87</sup> was successful in getting students to research a controversial topic in a country other than the United States, and find social media posts relating to the issue selected. The 46 students in the class researched diverse topics in 34 different countries. When students presented specific social media postings reacting to an issue, class participants got an eye-opening window into divisive views around the world and how people living in these countries react on the internet to a range of country-related dilemmas.

For the Amanda Knox and Criminal Defamation project,<sup>88</sup> the author and study abroad students had the unique opportunity to speak with Italian natives. They also got to visit the Corte d’Assise (Court of Appeals) in Florence, prior to that court’s *not guilty* verdict on Knox’s homicide charge. The project focused on lesser reported issues in the case. Students were challenged to find information on criminal defamation issues, and then compare and contrast such laws with those in the United States. With respect to cyberbullying, students learned that many EU country laws do not tolerate this behavior as much as United States laws. In fact, students learned to appreciate the tricky balance between how personal privacy is cherished in the EU, possibly at the expense of free speech rights, while the reverse may be true in the United States.<sup>89</sup>

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<sup>86</sup> *Id.*

<sup>87</sup> See Appendix E for the complete text of this assignment.

<sup>88</sup> See Appendix F for the complete text of this assignment.

<sup>89</sup> See, e.g., the rules that Google needed to set up in the European Union when the EU Court of Justice implemented the people’s right to be forgotten. *Factsheet on the “Right to be forgotten” Ruling (C-131/12)*, EUROPEAN COMM’N, [http://ec.europa.eu/justice/data-protection/files/factsheets/factsheet\\_data\\_protection\\_en.pdf](http://ec.europa.eu/justice/data-protection/files/factsheets/factsheet_data_protection_en.pdf) (last visited Nov. 12, 2017). A search engine such as Google “will have to delete information when it receives a specific request from a person affected. This would mean that a citizen, whose personal data appears in search results linking to other webpages when a search is done with that person’s name, requests the removal of those links.” *Id.*

## II. CONCLUSION

The author is cautiously hopeful that his students will not be duped into believing that they are in an online dating relationship with musical artists Katy Perry (for six years)<sup>90</sup> or Bow Wow.<sup>91</sup> With that said, a former student once admitted to trolling people for lulz, and the author has read numerous highly inappropriate and publicly available student Twitter postings. Twitter's head of trust and safety wrestles with how to separate mere criticism from abuse: "Categorically to say that all content you don't like receiving is harassment would be such a broad brush it wouldn't leave us much content."<sup>92</sup> Regardless, Legal Environment of Business professors can take a lead role in sensitizing students on legal issues and appropriate conduct on the Internet with social media law projects. Ultimately, this teaching opportunity encourages students to be ethical digital citizens in their personal and professional lives.

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<sup>90</sup> Jacob Stolworthy, *Man duped into thinking he's been dating Katy Perry for six years*, INDEPENDENT (Aug. 20, 2016, 10:53 AM), <http://www.independent.co.uk/arts-entertainment/tv/news/katy-perry-catfish-nev-schulman-max-joseph-mtv-spencer-morrill-harriet-a7200971.html>.

<sup>91</sup> *Bow Wow Meets 'Catfish' Victim and Impersonator*, MTV NEWS (Oct. 18, 2013), <http://www.mtv.com/news/2501956/bow-wow-meets-catfish-victim-and-impersonator>.

<sup>92</sup> Stein, *supra* note 76 (quoting Del Harvey, Twitter's head of trust and safety).

## APPENDIX A THE FACEBOOK PROJECT

### Dealing with Employee Gripe Sites\*

\*A gripe site is a blog or web site maintained to criticize a person or company.

SCENARIO: Assume that you work as a middle manager for Social Media Law, Inc. (“SMLaw”). A disgruntled person has started a web site, [www.SMLawIncSucks.com](http://www.SMLawIncSucks.com), which is highly critical of the company. You suspect that the owner of the web site may be a current employee. Assume that SMLaw does not have a social media policy. In the below scenarios, SMLaw determines that this Internet activity did not occur on work equipment, whether stationary or mobile.

#### Outside of Class Activity:

1. Log on to Facebook. If you do not have a Facebook account, or you are resistant to having an account, e-mail me the assignment by the deadline (make sure you follow the instructions in Numbers 3 and 4 below)
2. Add the professor as a *Friend* (search Facebook by e-mail)
3. Search the Internet for any type of gripe site against a company (e.g., [www.SMLawIncSucks.com](http://www.SMLawIncSucks.com))
4. Go to the professor’s *Wall* on Facebook and post:
  - i. The domain name of the gripe site, like [SMLawIncSucks.com](http://www.SMLawIncSucks.com) (it doesn’t have to be one actually created by a company’s employee or an ex-employee)
  - ii. Any comments on that site which are inappropriate (in your opinion) for all to see on social networks
  - iii. A short paragraph explaining that IF the owner of that web site actually was an anonymous employee or ex-employee, whether or not a company would be able to discover the name of the person. In other words, read the content of the site, and see if it fits within the criteria for the court to issue a subpoena compelling the Internet Service Provider (ISP) to disclose the name and contact information of the web site owner:

*If the information is damaging to the company (posting company secrets, harassing employees, telling lies about the company, etc.), the company can file a lawsuit against the ISP to give up the web site owner's name. When the ISP claims the right to keep customer names anonymous, the company can ask the court to issue a subpoena to discover the name, because the damages to the company outweigh the right to be anonymous on the web. If it turns out that the person is an employee, that person can likely be fired.*

## APPENDIX B GAME OF TWEETS

In an effort to make out-of-classroom activities dynamic, this project will focus on one of students' preferred mode of communication—social media. A fluid collaboration among students and the professor is essential for recreating classroom synergy, as students are sensitized to becoming ethical digital citizens, both inside and outside the classroom walls.

### How the Game Begins

Every student must have a Twitter account set up by \_\_\_\_\_ (date/class time) \_\_\_\_\_. In this course, we discuss Internet privacy, so if you wish to set up a locked and/or anonymous account, we will discuss how to do so in class.

Once your account is set up, we will have a class session where the professor adds you as a Twitter “Follower” to his/her account. In turn, the student must follow the professor back. Subsequently, the professor will create a Class List on Twitter, and add each student to the list.

If you are new to Twitter, spend some time outside of class getting to know how to use it, follow fellow students and others, and start reading posts. Once you are comfortable using this form of social media, we will discuss appropriate and inappropriate social media interactions with students and the general public, in the form of “Retweets,” Favorites, and original posts.

### Hashtags – Essential for Following Twitter Conversations

The class has a “Hashtag,” #LGLS, which must be included on every tweet you send out for this project. Use hashtags to categorize Tweets by keyword, as explained by Twitter’s Help Center:

1. *People use the hashtag symbol # before a relevant keyword or phrase (no spaces) in their Tweet to categorize those Tweets and help them show more easily in Twitter Search.*
2. *Clicking on a hashtagged word in any message shows you all other Tweets marked with that keyword.*
3. *Hashtags can occur anywhere in the Tweet – at the beginning, middle, or end.* <https://support.twitter.com/articles/49309-using-hashtags-on-twitter>

### **Required Virtual Class Session**

The class will have a “virtual” session during class time on (date) \_\_\_\_\_. At that time, students are required to:

1. post three original tweets with the #LGLS hashtag (Topic to be selected by the professor in a prior class);
2. react to three fellow student postings (again, with the #LGLS hashtag); and
3. find three (3) postings from the general public to Retweet and/or Favorite.

The professor will be on Twitter during the virtual session, and s/he will respond or react to several student tweets, where appropriate. After the class time is done, the conversations can continue as long as you wish. During the next in-person class session, the professor and students will discuss the dynamics of the virtual activity, and collectively explore what it means to be an ethical digital citizen.

Note: In the professor’s discretion, three (3) Individual Points will be deducted from your Team Project if you do not adequately participate in the required virtual class session.

## APPENDIX C GAME OF TWEETS – HOT TOPICS

Handout for Students Just Prior to Virtual Session

### Required Virtual Class Session

Students are required to:

1. post three original tweets with the #L4060 hashtag
2. react to three fellow student postings (again, with the #L4060 hashtag); and
3. find three (3) postings from the general public to Retweet and/or Favorite.

### Topic/s:

1. Wide open–That’s up to you
2. What’s trending now:
  - a. Post-Oscars® buzz
  - b. Alex Rodriguez in training camp
  - c. The “American Sniper” trial
  - d. Apple getting into the car business?
  - e. Businesses threatening libel suits for bad customer online reviews
  - f. Yelp suing companies posting fake positive reviews
  - g. Hackers extorting bitcoins or else they will wipe out your computer data

The professor will be on Twitter during the virtual session, and s/he will respond or react to several student tweets, where appropriate. After the class time is done, the conversations can continue as long as you wish. During the next in-person class session, the professor and students will discuss the dynamics of the virtual activity, and collectively explore what it means to be an ethical digital citizen.

### Guidelines:

1. Stay in the session for the duration of class
2. Have fun – pick topics of interest to you
3. Engage in conversations with fellow students and the professor
4. When you engage with people outside of class, be careful not to inflame or add to any controversy about the topic
5. Ignore people trying to draw you into an inappropriate conversation
6. Do not Favorite or Retweet inappropriate tweets

Note: In the professor's discretion, three (3) Individual Points will be deducted from your Team Project if you do not adequately participate in the required virtual class session.

**APPENDIX D**  
**ANONYMOUS STUDENT FEEDBACK FORM**

Virtual Class Session

I. Only answer this question if you did not have a Twitter account prior to the Game of Tweets.

On a scale of 1–5 (where “1” is very negative and “5” is very positive), rate your level of resistance to setting up a Twitter account.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Very Resistant		Moderately Resistant		Not at all Resistant

II. Everyone answer this question:

On a scale of 1–5, rate your initial level of skepticism in participating in the virtual class session.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Very Skeptical		Moderately Skeptical		Not at all Skeptical

III. Everyone answer this question:

On a scale of 1–5, rate the effectiveness of the required virtual class session, with respect to what it means to be an ethical digital citizen.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Not Effective		Moderately Effective		Very Effective

IV. Everyone answer these questions, re: The Required Virtual Class Session

1. What was your Top Takeaway?
2. Area/s of Improvement, if any:

**Anonymous Student Feedback Form – Extra Credit Project**

V. Everyone answer this question, re: The Extra Credit Points Assignment

On a scale of 1–5, rate whether the level of incentive was worth the time and effort:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Not Worth Time/Effort		Moderately Worth Time/Effort		Definitely Worth Time/Effort

VI. Everyone answer this question, re: The Extra Credit Points Assignment

Area/s of Improvement, if any:

## **APPENDIX E COUNTRY LAW & SOCIAL MEDIA ASSIGNMENT**

### **GOALS**

1. Learn about the legal system of a country outside the United States
2. Identify and research (on the Internet) a controversial legal issue in that country—examples include human rights violations, global Innocence Project cases, criminal prosecution for libel or slander, corporate corruption (bribery), corporate misconduct (dumping toxic materials in bodies of water), corporate gross negligence (avoidable oil spills), etc. Your topic does not need to be pre-approved by me—it's your choice.
3. Monitor and describe content posted by participants on social media on issues related to Goal #2. (Important: Do not engage participants in any medium, for reasons explained in class.)

### **SECTION A (1–2 pages - single spaced, but double spaced between numbers or letters)**

Choose a country (other than the United States) and follow the outline structure of the Italian Judicial System. (attached)

### **SECTION B (2 full pages - double spaced/standard margins)**

In paragraph format, explain in detail the controversy you researched, pertaining to the country selected in Section A. Give both sides of the issue, the affected individuals, groups, and/or governments, and your objective point of view as to their positions. Utilize traditional news sources and non-traditional outlets for your research. (e.g. blogs)

### **SECTION C (2 full pages - double spaced/standard margins)**

In paragraph format, identify the social network/s monitored, describe the individual participants posting/replying (as well as the levels of volatility and effectiveness of social media usage), whether any communications were posted anonymously, etc. In addition, discuss whether this social media activity is in violation the country's laws (from Section A) or any international law, and whether participants potentially face prosecution, civil liability, both, or neither.

**ENDNOTES PAGE** - Use a separate page of endnotes for the traditional news sources and non-traditional outlets that you mention in the body of your paper. I am not looking for a resource page. Rather, I want you to put endnote numbers directly into the body of your paper.

**APPENDIX** - Print out an example of a social media exchange (e.g. a Twitter exchange, postings/comments on Facebook, etc.)

**PROCEDURE** - Use Times New Roman or Arial 12-point font, and front/back printing if your printer permits. No Introduction/No Conclusion—Just label each section.

**HOW THE PAPER WILL BE GRADED**

Your written project will be graded on the following items:

1. How much thought went into the paper and how well you organize your thoughts, research, facts, and arguments
2. Whether your information is accurate and your ideas are clear and concise
3. How well you follow the instructions
4. Spelling and grammar (graded closely)

**THE ITALIAN JUDICIAL SYSTEM**

**(Outline Format for Section A of your Country Law & Social Media paper)**

**A. Legislation and Constitution**

1. Civil Law system based on Roman law (i.e., code-based system)  
Explain briefly
2. Constitution requires full separation of powers  
Explain briefly

**B. The Italian Court System**

Explain the types of civil and criminal cases each court has jurisdiction over

1. Relevant International Court: Court of Justice of the European Union  
Explain briefly
2. Constitutional Court (Corte costituzionale)  
Explain briefly the types of cases heard here

3. Ordinary Courts

a. Courts of First Instance (Corte d'assise)

Explain briefly the types of cases heard here

b. Courts of Second Instance (Corte d'assise d'appello)

Explain briefly the appeals process

c. Court of cassation (Corte di cassazione)

Explain briefly the appeals process

**C. Major Differences from the United States Legal System**

List and briefly explain three major differences. Include differences found at the trial court level (roles of the judges, attorneys, and juries, if applicable), and the appellate court levels.

- 1.
- 2.
- 3.

## APPENDIX F

### CYBERLIBEL, CYBERBULLYING, AND THE AMANDA KNOX PROJECT

**I. Classroom Questions.** *After a brief discussion of libel, students respond anonymously via a “student response system.” Student discussion ensues after each question.*

**Georgia § 51-5-1(a).** *A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.*

1. All traditional forms of libel (pre-Internet) should be a crime (as well as a civil action for monetary damages) in the United States.

Choose “A” for AGREE; “B” for DISAGREE

2. All forms of “cyberlibel” (libeling someone over social networks) should be a crime (as well as a civil action for monetary damages) in the United States.

Choose “A” for AGREE; “B” for DISAGREE

Vote here only if you voted AGREE in Question 2:

3. Cyberlibel should carry a harsher criminal sentence than traditional forms of Libel (not committed over social networks).

Choose “A” for AGREE; “B” for DISAGREE; “C” for THE SAME

4. These forms of cyberlibel should be a crime (as well as a civil action for monetary damages) in the United States.

- a. Falsely accusing someone of a crime s/he did not commit

Choose “A” for AGREE; “B” for DISAGREE

- b. Damaging a person’s professional reputation (e.g., falsely stating that someone is not a CPA, when in fact the person is a CPA)

Choose “A” for AGREE; “B” for DISAGREE

- c. Falsely stating that someone has a contagious disease

Choose “A” for AGREE; “B” for DISAGREE

5. “Cyberbullying” should be a civil action for monetary damages in the United States.

Choose “A” for AGREE; “B” for DISAGREE

6. Cyberbullying should be a crime in the United States.

Choose “A” for AGREE; “B” for DISAGREE

## II. Outside-of-Class Project.

### Amanda Knox and Criminal Defamation

#### Instructions

- Double spaced, one inch margins, 12 point font–Times New Roman)
- Four (4) pages in length
- Document your sources with footnotes
- You will be graded on how much thought went into the paper; how well you organize your thoughts; how well you follow the instructions; and the paper’s spelling/grammar/transition/flow

#### Complete sections A, B & C

**Section A.** At her first appeal/re-trial, Amanda Knox was convicted in Italy for false statements made during her police interrogation about Patrick Lumumba (who was imprisoned for two weeks). Knox was set free because she already spent four years in prison on the homicide charge. Knox and her parents still face criminal defamation charges. Per a CBS News article: *Eight Perugia police officers claimed they were libeled when Amanda's parents told a British newspaper that their daughter was physically abused during a police interrogation.* In addition, the prosecutor in the Knox case sued a blogger (Perugia Shock blog) for defamation. The blogger stated that the judge in Florence issued a decree to seizure the blog.

Briefly discuss the facts of the Knox case. Then, identify and discuss the specific Italian Code section, the prohibited criminal conduct, and the maximum sentence for:

1. The crime that Knox was convicted of, re: statements about Lumumba
2. The criminal charges pending against Knox and the cyberlibel charges against her parents, re: statements about police. (The prosecutor recommended charges to protect what he calls “the good name of the police department.”)
3. Criminal charges (if pursued) against the blogger if he hypothetically made false statements of fact about the prosecutor.  
**(Two pages)**

**Section B.** All fifty states permit a civil cause of action for the tort of Libel:

**Georgia § 51-5-1(a).** *A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.*

In the state of Georgia, libel is a civil tort, not a crime. However, in many states, certain forms of libel are a tort as well as a crime.

Choose and support a position:

1. Both libel per se and libel per quod (but not including “cyberlibel”) should be crimes in the United States.
2. Both libel per se and libel per quod (but not including cyberlibel) which was intentional/actual malice (as opposed to negligence/gross negligence) should be crimes in the United States.
3. Only libel per se (but not including cyberlibel) which was intentional/actual malice (as opposed to negligence/gross negligence) should be a crime in the United States.
4. Libel (but not including cyberlibel) should not be a crime, just a civil tort action, in the United States.
5. I agree with Position #4 above, except that “cyberlibel” per se and cyberlibel per quod should be a crime, if intentional/actual malice.
6. I agree with Position #4 above, except that only “cyberlibel per se” should be a crime, if intentional/actual malice.

If you choose Position 1, 2, 3, 5, or 6 above, should the crime be a misdemeanor (punishable up to a year) or a felony? Explain your position, backed by facts. (**One page**)

**Section C.** “Cyberbullying” (different from Internet libel if the content is harassing but there are no false statements asserted) is a growing problem in the United States. Many schools in the United States have implemented policies prohibiting student cyberbullying.

Choose and support a position:

1. All cyberbullying should be a crime in the United States.
2. Cyberbullying in the workplace should be a crime in the United States.
3. Cyberbullying is free speech and should not be a crime in the United States.

If you choose Position 1 or 2 above, should the crime be a misdemeanor (punishable up to a year) or a felony? Explain your position, backed by facts. **(One page)**

### **III. Reinforcement Exercise.**

*After the Amanda Knox and Criminal Defamation Project is graded and given back to the students for feedback and discussion, the students vote again on each question listed in Section I, to ascertain whether or not their opinions have changed or stayed the same.*