

4th March 2016

Dear Students and Staff,

In light of the recent incidents on campus, and the social media frenzy that has followed, I have been requested to provide the following advice to students and staff regarding appropriate and lawful use of social media platforms.

The right to freedom of expression is a fundamental constitutional right. Indeed, it is the cornerstone of our democracy. But it is not an absolute right. There are circumstances where your right to freedom of speech can be limited, usually where it infringes other people's rights to dignity, reputation, privacy and even, life. In South Africa, there are very established laws around defamation, privacy, hate speech, incitement to violence, propaganda for war, *crimen iniuria*, intellectual property, sexual offences, confidentiality etc. All of these laws apply equally to your online content as they do to content published on the front page of the newspaper. The laws are triggered as soon as ONE other person has seen the content.

There may also be contractual limitations to your right to freedom of expression. Every student at the university has a contract with the university, in terms of which they have to adhere to, amongst other policies, a disciplinary code of conduct and a social media policy. If you can be identified as a student of the university, these policies apply to all of your content online, even if posted off university premises or outside of university term.

In terms of liability for other people's content, the law in South Africa is that retweeting, sharing, liking or being tagged in a post (as long as you are aware of it) makes you as responsible as the person who originally created the content. If you have the ability to stop the publication and you don't, or if you have the ability to disassociate yourself from the publication and you don't, you are liable for the content that is published.

This is not a ploy by the University to silence you, or to restrict your freedom of speech. Social Media Law is an emerging field and education about its use is essential if the people using it are to protect themselves. Please do not allow yourself to fall into the trap that so many have before you, and assume that retweeting, liking, sharing or remaining tagged in something is harmless, as you did not physically produce the content. Many before you have been arrested and sued for content that they simply retweeted, liked, shared or were tagged in i.e. did not create.

Please only share and associate yourself with lawful content that you would have been happy to create yourself - that you would be happy to put on a billboard alongside your name, your photograph and the name of the university. Believe me when I say this is for your own protection and reputation.

Emma Sadleir