

LEADERSHIP UPDATE

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Rate My Teachers

What Is It?

Rate My Teachers is one of a host of emerging Internet sites with anonymous ratings for a number of different professions such as university professors, lawyers and doctors. Rate My Teachers is an international website that provides “consumer ratings” of teachers by students and parents in the United States, Canada, Ireland, the United Kingdom, Australia and New Zealand. A person entering the site must choose a country and then select a school and then a teacher from that school. One may rate a teacher by simply logging in without establishing an account, but in order to see all posted ratings by other raters one needs an account. The website also contains discussion forums and user comments that can be seen without logging in as an account holder.

The scope of coverage of Alberta schools on Rate My Teachers is very broad. It appears that almost all schools from K–12 in Alberta are included on the site, and it is assumed that a large proportion of teachers are listed. It is unclear what the source of this information is; a presumption would be that it comes from the websites of Alberta Education and school boards. All ratings posted on Rate My Teachers are anonymous to the viewer; however, they are not anonymous to the website provider, which asks for and collects the personal information of anyone with an account.

Comments for each teacher are divided into two sections, one for students and one for parents. Parent comments are posted in a separate section and not alongside student comments. The teacher list for a school is

illustrated with graphics that provide an overview of each teacher's overall rating. A cartoon face that is smiling, ambivalent or grumpy characterizes the overall view of the teacher. Such faces also appear beside each individual rating as a visual cue of the contents of the particular rating. The ratings are generally for teachers, but may also apply to school administrators and counsellors.

How Are Teachers Rated?

Students rate teachers on the basis of three criteria: easiness, helpfulness and clarity. The student rates the teacher between 1 and 5 in each of these categories, with 5 being the easiest, the most helpful or the clearest. The smiling/grumpy face is determined only on the basis of helpfulness and clarity, since a rating of 5 for easy can mean that the teacher is too easy and this in fact could be a negative rating. The rater can also include comments about the teacher.

Parents rate teachers similarly, but the rating is based on the following three questions:

- (1) Did both you and your child know what was expected in this class?
- (2) Did the teacher treat your child with respect, care and knowledge of the child's needs?
- (3) Was the classroom work the right difficulty for your child?

The ratings are based on a 1–5 scale, with 1 being never and 5 being always.

Members of the site, including teachers, may respond to any particular comment posted about a given teacher. This can be done

Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen.

Winston Churchill



in two ways: by simply clicking on the comment in question, or by creating a dialogue comment about the teacher. Once again the responses are anonymous.

Rate My Teachers does take some internal precautions against defamation, harassment and bullying through its Rating Rules, which prohibit certain types of comments. Additionally, the rules provide that any threats against teachers, administrators, other students or school property or any comments that state an intention to harm oneself will be turned over to the proper authorities along with the computer IP address. In tandem with the monitoring, users may also flag any comments that they feel do not comply with the rules if the comments made it through the screening process and should not have done so. The user flagging the comment must explain why the comment does not comply with the rules; Rate My Teachers will then reconsider whether the comment should be posted. Once Rate My Teachers has reconsidered the comment, a check mark will appear beside the comment (or absence of comment if it has been deleted) to show that the comment has been reviewed by Rate My Teachers.

Privacy Concerns

The information listed on Rate My Teachers shows a teacher's name, his or her place of employment and opinions about that teacher. Under Alberta's *Personal Information Protection Act* (PIPA) and the *Freedom of Information and Protection of Privacy Act* (FOIPPA), these three pieces of information constitute personal information. Assuming that Rate My Teachers publishes rating information without

the consent of the individual teacher, such publication of personal information without consent is a breach of our privacy legislation. However, Rate My Teachers is not an Alberta organization and as a result the Alberta Office of the Information and Privacy Commissioner has no jurisdiction over it. Rate My Teachers is owned and operated by a limited liability corporation, MisterMessage LLC, based in California. Therefore, there is no Alberta entity to challenge in our courts or tribunals. The United States and Alberta have different laws respecting defamation generally and Internet defamation in particular. In the United States, federal legislation protects Web providers from liability for publishing others' statements. It also provides a constitutional right to anonymity and reduces vicarious liability for the statements of others, or what we call *republication*. These laws are laid out on Rate My Teachers under a link entitled Legal. While this is not the state of law in Alberta, this legislation would apply to any action commenced in California.

Defamation and Harassment

Defamation is a tort in which a person makes an untrue statement about another that tends to harm the reputation of that person in the eyes of right-thinking members of the community. The person is liable for the defamatory statement if he or she cannot show that it was a fair comment or made on an occasion of privilege without malice on his or her part. The defence of fair comment is available to both the media and to individuals as long as it is opinion based on facts that are true or that they have good reason

to believe are true. Personal harassment is any unwelcome behaviour that directly or indirectly adversely affects, or threatens to affect, a person's job security; prospects of promotion; earnings; working conditions; or opportunities to secure a job, living accommodations or any kind of public service. The essential elements of personal harassment are that 1) it is unwelcome; 2) it is directed at someone or offensive to someone; and 3) it consists of objectionable conduct, comment or material, or a display that demeans, belittles, intimidates or humiliates another person. In Alberta there is only limited statutory protection from harassment; it is most effective if the harassment manifests itself as a human rights issue (based on race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation).

In an era where there is increasing awareness of the implications of Internet defamation and harassment, it is natural that professionals are nervous about the emergence of this kind of website. The impact on teachers may be even greater because most of the users of the website are students who have a less than mature appreciation of the impacts of their communications and whose impulsive comments may have an undue influence on other young minds. In this particular instance the difficulty arises because the raters are anonymous and the website operators and owners will not likely subject themselves to the jurisdiction of the Alberta courts.

Rate My Teachers has taken some steps to minimize defamation and harassment on its site, including imposing a strict policy against name

calling, sexual comments, descriptions of physical attributes, comments about home and family life, comments about religion or race, and other personal attacks that are not relevant to a teacher's teaching ability. This policy is not perfect and does not fully protect teachers from defamation and harassment, but it does help reduce the extremity and resulting impact of the comments posted.

To the extent that ratings may appear to be defamatory, it would be very difficult for the Association or individual teachers to take legal action against the website or the individuals who post comments on the website. There are several reasons for this:

- (1) The comments are anonymous, making it difficult to identify the proper defendants to a legal action.
- (2) Fair comment based on true facts or facts reasonably believed to be true is a strong defence to an action in defamation in Canada, and a defendant is usually excused from liability for publishing opinions.
- (3) Rate My Teachers is based in California, and Alberta courts have no jurisdiction over it, so that any legal action would need to be filed in California.
- (4) US defamation law is more lenient than Canadian law towards those whose comments injure others.

French Court Says Site Cannot Grade Teachers

Following the example of US sites, French entrepreneurs created note2be.com, which encouraged students to grade teachers and discuss their ability. Note2be.com asked students to rate their teachers according to six categories: how interesting, clear, fair,

available, respectful and motivated they were. It also set up a rankings system to promote France's top 10 teachers.

Unions, backed by the education ministry, immediately took the site to court, saying the personal comments represented a breach of privacy and an "incitement to public disorder." The French courts, in March 2008, said that the website could no longer identify any teachers by name and told the site's owners that they faced a fine for every infraction. "This is an astonishing and surprising decision that has worrying implications for the development of the Web," said Stephane Cola, cofounder of the site, who further stated that "The ranking and evaluation of professionals on the Web is a fundamental principle and a primary motor of the Internet around the world." Education Minister Xavier Darcos praised the court verdict, saying in a statement that he "totally supported teachers whose difficult mission will not be the object of anonymous attacks on the Internet."

Of significance in this case is the fact that the site was established in France to rate teachers in France, so their legislation would apply to the founders of the site.

Suggestions for Alberta Administrators

Rate My Teachers and its parent corporation are exclusively foreign entities, and any failure of the website to comply with Alberta or Canadian privacy legislation does not come within the remedial jurisdiction of our privacy commissioners. Nevertheless, while legal action against Rate My Teachers is impractical, there are some realistic steps teachers and administrators can take.

The first step in protecting teachers or students from cyberbullying is for school jurisdictions to implement an effective harassment policy. The Association has a model harassment policy on its website, as well as other guidance on the essential elements of a harassment policy.

Once a harassment policy is in place, it needs to be communicated to all students, staff and teachers. As one of the school's more important policies, the communication of the harassment policy needs to be done in a manner that reflects its importance. One suggestion is to present the policy at the beginning of the school year at an assembly or in homerooms. Schools may also consider providing all students with copies of the harassment policy to take home or put in their agenda planners. If the school has a website, the policy should be readily available online. The policy could also be posted publicly near the school office or other public place.

Students need to be educated about the negative consequences that their Internet communications can have on other students, staff, and teachers. While Rate My Teachers does some monitoring of comments to protect the subjects of the comments from personal attacks or unwarranted vulgarity, this may not be the case for all such websites. Even where monitoring occurs it may be insufficient.

In addition to educating students, administrators may use their discretion to block questionable sites on school computers. It is perfectly acceptable to refuse access to certain sites where students may abuse their anonymity to vilify their teachers and where it may be a necessary precaution to protect teachers and other students from abuse.

Where administrators become aware of harassment against teachers or students, they should take steps to investigate and remedy the situation, as part of their responsibility under Section 20 of the *School Act* to maintain order and discipline in their schools. This would also include harassment disguised as “evaluations” or “ratings.” A safe learning environment for all school participants

may be negatively affected by people who access and interact with websites outside the school or classroom. Principals should follow the procedures outlined in their school’s harassment policy. Investigation is an essential ingredient of an effect harassment policy, especially when Internet publications are anonymous. Suspension and expulsion may be contemplated in appropriate cases.

Teachers who feel that they are being bullied or harassed should speak to their school administrators about the situation. If the school board has a harassment policy in place, the teacher and his or her principal should use its provisions to address the situation. Furthermore, it may provide another route for remedial action to negotiate antiharassment provisions into the collective agreement.

Educational Leadership Academy (ELA) Presents Dr Todd Whitaker

What Great Administrators Do Differently

This year’s Educational Leadership Academy (ELA) will be held at the Banff Centre from July 6 to 12, inclusive. ELA is an annual event, now in its 18th year, and is sponsored by the Alberta Teachers’ Association and its Council on School Administration. ELA is an exceptional, five-day, in-residence program for principals, assistant-principals and others in educational leadership positions, as well as individuals who are aspiring to leadership positions.

Dr Todd Whitaker is a professor of educational leadership at Indiana State University. Prior to his professorship, he was a middle and high school principal in Missouri. In addition, Dr Whitaker served as a middle school coordinator in Jefferson City, Missouri, where he supervised the development of two new middle schools. Dr Whitaker’s work focuses on principal effectiveness, teacher

leadership, change, staff motivation, instructional improvement and middle-level practices. His books include *What Great Principals Do Differently: 15 Things That Matter Most*; *Dealing with Difficult Teachers*; *Motivating and Inspiring Teachers: The Educational Leader’s Guide for Building Staff Morale*; *Dealing with Difficult Parents (and with Parents in Difficult Situations)*; *Teaching Matters: Motivating and Inspiring Yourself*; and *Feeling Great! The Educator’s Guide for Eating Better, Exercising Smarter, and Feeling Your Best*.

The brochure and registration form will be available on the ATA website under Resources for School-Based Administrators—Educational Leadership Academy. If you have any questions or need further information, please call the ELA director, Konni deGoeij, at (780) 447-9472 or Leslie Kaun at (780) 447-9410 (Edmonton and area) or 1-800-232-7208 (elsewhere in Alberta) or e-mail leslie.kaun@ata.ab.ca.