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Blue Papers®

Social Media Policy

Writing a Social Media Policy: Protect your business, your brand and your employees.

Have one of these questions ever crossed your mind?

•   Can I be fired if I tweet a rant about a customer?
•   Is my personal blog my employer's business?
•   Do I have to "friend" my boss?

If you are an employee, you may have asked yourself one of these questions, or a hundred others related to the way you use social media. (And if you haven't asked yourself these kinds of questions, you may want to consider how carefully you approach your social media activities.) Employers may ask themselves different, but equally sticky, questions:

•   How can we protect our client confidentiality when employees tweet whatever is on their minds?
•   What can I do about an employee who blogs his extreme political positions while identifying our company as his employer?
•   Can we enforce employee social media rules with contractors and freelancers?

There's no doubt about it: Employers and employees today face legal and ethical questions when they use social media for personal and professional purposes that would have been unimaginable even a few years ago. Most companies today engage in some level of social media marketing. And virtually all companies have at least some employees who use social media for personal pursuits. But a survey conducted in August and September of 2011 by Grant Thornton LLP[SM] and Financial Executives Research Foundation Inc. revealed that less than a quarter of surveyed companies had clearly defined social media policies.[1]

A social media policy is a corporate code of conduct that provides guidance to employees who engage in social media activities for either personal or professional reasons. The overall goal of most policies is to protect the company from legal problems or embarrassment that could result from employees' online activities. If your company hasn't introduced a social media policy, now is the time to explore what kind of a policy you need

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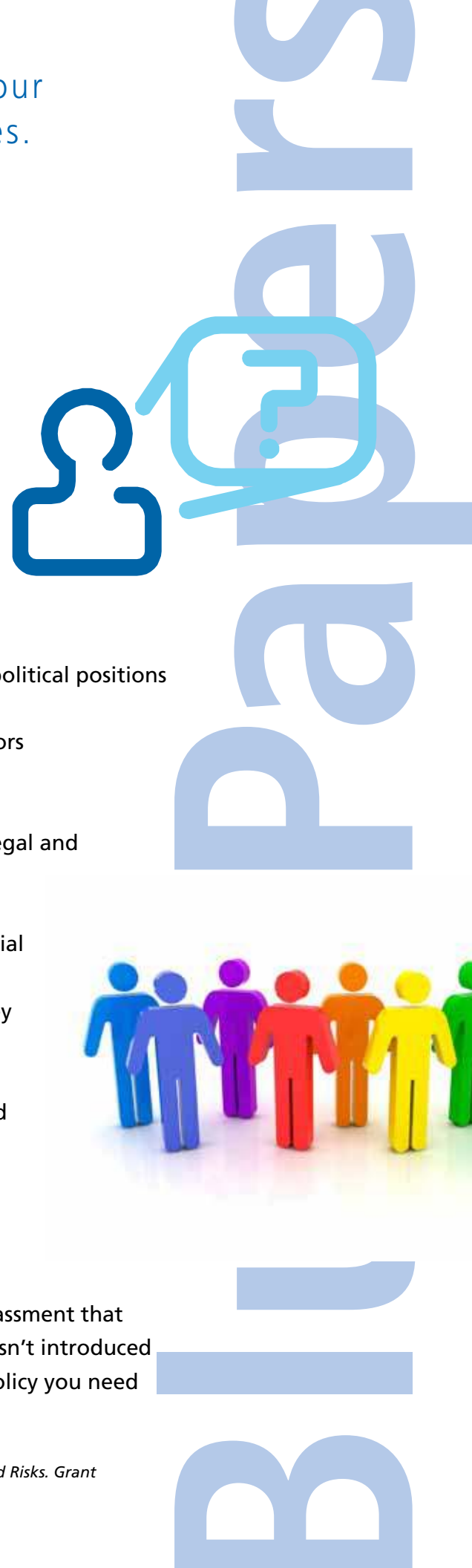
1   Thompson Jr., Thomas, Jan Hertzberg, and Mark Sullivan. *Social Media and Its Associated Risks. Grant Thornton LLP and Financial Executives Research Foundation, 2011. PDF.*

to protect your business and brand while encouraging your employees to be your best ambassadors. If you are among the fraction of companies that has introduced a policy, congratulations! But, when was the last time you reviewed it? Social media is evolving at such a stunning rate that a policy written a year ago may already be out-of-date. New sites and capabilities swell in popularity while others recede, employees raise issues that the policy doesn't cover and laws slowly attempt to catch up to technology.

This Blue Paper™ is a "how-to" for writing and implementing social media policies in the workplace. We'll explore the value of a social media policy for both employees and employers, the kinds of activities a policy may cover, the formats that a policy may take and possibilities for training and follow-up. But before we go any further, let's add a caveat to the discussion: Employer social media policies touch on issues of free speech, labor relations, copyright, trade secrets and privacy. Therefore, you must review any social media policy you plan to introduce with your company's attorney first.

Why every company needs a policy—or maybe two!

If you are over 35, you may remember a time when some employers tried to restrict Internet access during the workday for fear of employees wasting hours surfing the Internet. Obviously, this practice fell by the wayside as more and more jobs required Internet access. Social media presents a similar challenge to employers and employees. While it's easy to waste a lot time posting and tweeting, social media is an indispensable tool to build brands and boost sales. In addition, simply restricting access to social media during the workday fails to solve the problem of employees using it during their off-hours in ways that can negatively affect a company's reputation. Absent a clear and common sense policy, overly conscientious employees may be afraid to use social media in any way related to their employer, no matter how positive, while careless employees may blog or post detrimental comments without considering the consequences of their actions.

Land O'Lakes® chief information officer, Barry Libenson, faced the restriction conundrum when he joined the Minnesota-based dairy cooperative in 2010. At that time, due to both productivity concerns and bandwidth issues, the company's 9,000 employees were not allowed access to Facebook® and YouTube®

in the workplace. In just one example that confounded Libenson, a company subsidiary launched a Facebook Page that no one could access from work. "I immediately went into the mode of 'we need to move into the 21st century,'" Libenson shared with "CIO Journal." "Our customers use [Facebook], it's a tool we should be leveraging. And we're at a deficit for not using it."[2] A group of 10 senior managers spent three months hammering out a social media policy that was approved by the CEO. With the policy in place, all employees can now access social networking sites from work, with marketing staff and other select employees representing the company on social media sites. Libenson reports that the new policy improved morale, with employees viewing the company as being more progressive.[3]

The Land O'Lakes example of designating specific employees to represent the company in social media endeavors brings up one of the "best practices" of writing a social media policy. If a company engages in social media marketing, it actually needs two social media policies: one for employees who use social media in their personal lives only, and one for employees who use it as part of their jobs. The first policy will cover the boilerplate issues of any social media policy along with industry specifics. The second, more detailed policy is woven into a company's overall social media strategy. Both policies, however, should focus on encouraging employees to use social media in ways that promote and protect the company.

Maddie Grant, co-author of "Open Community and Humanize: How People-Centric Organizations Succeed in a Social World," emphasizes that social media policies are about empowering action, not stopping it. "In my work with many organizations, the lack of social media policies was a hurdle we had to push through before we could even get started with the work of social media management," she says. "This was true from both the management side and the employee side. Managers worried about having policies to make sure their staff would not do anything bad, but staff were equally worried about not knowing exactly how to navigate things like the blurring boundary between their personal and professional personas online. But once we had our policies in place? Bam! They were off and running and doing great things using social media."[4]

2 Boulton, Clint. "How Land O'Lakes' CIO Freed Facebook at Work." CIO Journal. Dow Jones and Co. Inc., 7 May 2012. Web. 16 May 2012. http://blogs.wsj.com/cio/2012/05/07/how-land-o-lakes-cio-freed-facebook-at-work/.
3 Ibid.
4 Grant, Maddie. "76% of Companies Do Not Have a Social Media Policy." Social Business News. Social Business News, 4 Jan. 2012. Web. 16 May 2012. http://www.socialbusinessnews.com/76-of-companies-do-not-have-a-social-media-policy/.

The do's and don'ts of writing a policy

A social media policy that empowers employees rather than hampering them will contain more do's than don'ts. Do be authentic. Do be responsive. Do be strategic. Don't disparage other people.

But let's back up a bit. If you expect employees to get on board with a new social media policy, the first step is to form a well-rounded team to both write the policy and encourage adoption of the policy throughout the company. There is nothing "top down" about social media, and a "top down" policy will feel stifling instead of empowering. Team members may include a member of the executive team, an HR representative, an IT staff member, a marketing team member and/ or social media strategist, representatives from divisions that use or want to use social media as a part of their strategy, legal counsel and at least one digital native.

Once formed, the team will want to define the goals of the policy before jumping in with specific do's and don'ts. How will the policy serve the company's overall social media strategy? How can the policy encourage employees to build our brand? What specific protections are required due to our particular industry or business situation? How do we balance those protections with the least restrictive policy possible for our employees?

With those goals in minds, the policy team may use as a template any of the hundreds of examples of social media policies that can be found online. (Many companies post their internal social media policies online as a part of their social media strategy, publically demonstrating how the company engages in social media. But be aware, just because a policy is posted online doesn't ensure that it has been vetted by legal counsel or that it covers all of the bases.) Policies from similar businesses in your industry will be the most helpful. A policy should, in the end, be unique to an organization. A solid social media policy:

- Explains why the company and its employees need the policy. In particular, what's in it for employees who use social media for personal reasons only?
- Explains what social media is (social media is more than Facebook and Twitter®).
- Explains who the policy is for. This may include employees who use social media for their job and/or employees who use it only for personal reasons. You may also need to include contractors and freelancers.
- Defines the terms used in the policy.
- Identifies social media sites the company uses and where those sites can be found.

- Provides specific examples of how employees may engage in social media that involve the company.
- Identifies who can answer questions about the policy or respond to specific issues related to social media use.
- Follows all applicable laws.

In addition to components discussed above, most social media policies also include some version of the following guidelines. Here's where the do's and don'ts come in:

1) **Do follow all other company policies when using social media**. For example, employees and students of the Mayo Clinic[SM] "must follow all applicable Mayo Clinic policies. For example, you must not share confidential or proprietary information about Mayo Clinic and you must maintain patient privacy. Among the policies most pertinent to this discussion are those concerning patient confidentiality, government affairs, mutual respect, political activity, Computer, E-mail & Internet Use, the Mayo Clinic Integrity Program, photography and video, and release of patient information to media."[5] (On the issue of other company policies, the team writing the social media policy may also be charged with reviewing the entire employee handbook to determine if other policies need to be updated to reflect social media use by employees.)

2) **Do speak as an individual**. Intel® Corp.'s social media guidelines advise employees to be transparent ("Use your real name, identify that you work for Intel, be clear about your role."), be truthful ("If you have a vested interest in something you are discussing, be the first to point it out and be specific about what it is."), and be yourself ("Stick to your area of expertise; write what you know. If you publish a website outside Intel, please use a disclaimer such as this: 'The postings on this site are my own and don't necessarily represent Intel's positions, strategies or opinions.'").[6]

3) **Do think before you post.** We've all heard the warnings: Do you want your mom, or your boss, to read or see this? For some people, those warnings seem to have little effect. And digital natives have a very different opinion about what information to share and how to share it compared to older generations. Kristin Judge, director of partner engagement for Center for Internet Security—Multi-State Information Sharing and Analysis Center[SM], recommends that anyone who engages in social media ask three quick questions before posting anything: Who will see it? What can they do

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5 "For Mayo Clinic Employees." Sharing Mayo Clinic. Mayo Foundation for Medical Education and Research. Web. 16 May 2012. http://sharing.mayoclinic.org/guidelines/for-mayo-clinic-employees/.
6 "Intel Social Media Guidelines." Intel. Intel Corp. Web. 16 May 2012. http://www.intel.com/content/www/us/en/legal/intel-social-media-guidelines.html.

with it? Why do I want or need to share it?[7] This is a guideline for which employees could especially benefit from specific examples of work-related information to share and information to not to share.

4) <u>**Do** respect copyright and fair use.</u> The IBM® Social Computing Guidelines, considered by some to be the gold standard of social media policies, advise "for IBM's protection as well as your own, it is critical that you show proper respect for the laws governing copyright and fair use of copyrighted material owned by others, including IBM's own copyrights and brands. You should never quote more than short excerpts of someone else's work. And it is good general blogging practice to link to others' work. Keep in mind that laws will be different depending on where you live and work."[8]

5) <u>**Do** protect confidential and proprietary information.</u> Protecting the secret recipe for Coca-Cola® is obvious. Other actions may not be. An employee who "checks in" via a location app at a potential client's headquarters risks giving away information about company activities and strategy, as well as the client's activities.

6) <u>**Don't** "friend" employees, managers, colleagues and clients if an online relationship is potentially uncomfortable for one the parties.</u> Awkward privacy issues can be raised when professionals attempt to friend, follow, like or link to each other or clients or customers. This is especially true when the relationship is unequal. Mayo Clinic's policy "strongly discourages 'friending' of patients on social media websites. Staff in patient care roles generally should not initiate or accept friend requests except in unusual circumstances such as the situation where an in-person friendship pre-dates the treatment relationship." Similarly, "Mayo Clinic discourages staff in management/supervisory roles from initiating 'friend' requests with employees they manage. Managers/supervisors may accept friend requests if initiated by the employee, and if the manager/supervisor does not believe it will negatively impact the work relationship."[9]

7 Judge, Kristin. "Online Safety: Think before You Post and Don't Overshare Information on Social Networking Sites." Heritage.com. Heritage Newspapers, 15 Apr. 2012. Web. 16 May 2012. http://www.heritage.com/articles/2012/04/15/opinion/doc4f8b313a81267903902050.txt?viewmode=2.
8 "IBM Social Computing Guidelines." IBM. IBM. Web. 16 May 2012. http://www.ibm.com/blogs/zz/en/guidelines.html.
9 "For Mayo Clinic Employees." Sharing Mayo Clinic. Mayo Foundation for Medical Education and Research. Web. 16 May 2012. http://sharing.mayoclinic.org/guidelines/for-mayo-clinic-employees/.
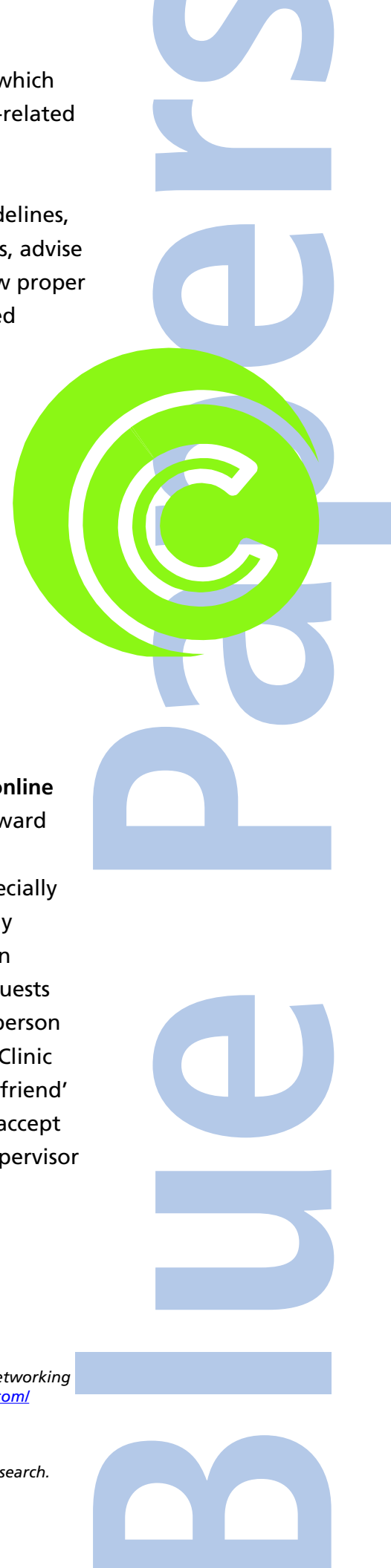
7) **<u>Do</u> manage your time wisely**. This is where an employer concerned about employees whiling the day away on Facebook can advise that during work hours, social media should not get in the way of work responsibilities.

In addition to addressing these standard issues, the team should consider whether or not site-specific policies are necessary. Sites such as Facebook and Twitter are so popular that some businesses choose to write policies specifically related to the use of those sites. The drawback to site-specific policies is that, with social media evolving at such a fast pace, these kinds of policies can become quickly outdated. However, there are situations that warrant such policies. If your company uses a specific site in its social media strategy, employees who don't use social media in their jobs will want to understand how they may and may not interact with the site. For example, Walmart® Social Media Guidelines explain that an employee may not participate in location-based promotions such as Foursquare™ at the store where the employee is an associate. Walmart associates may however participate in such promotions at stores where they don't work.[10]

All of the guidelines in a social media policy for a general employee population apply to those who use social media on behalf of the company. But those employees who represent the company publically benefit from an additional, more specific policy. This policy will be woven into a company's overall social media strategy, and may involve guidelines for company blogs, website comments and questions, posting to official company Facebook and Pinterest℠ pages, videos, podcasts and more. A policy for employees involved in a company's social media strategy will answer these kinds of questions:

- Who is designated as the "face" of the company and is responsible for speaking for the company on a day-to-day basis on social media sites?
- How often are posts made to the social networking sites we use? What are the goals for posting? What tone do we set on our official pages?
- When do posts need to be cleared, and when can an employee who engages in social media on behalf of the company go ahead and make a post without clearance?
- Who determines topics for posts on our official blog?
- Who responds to comments and questions on the company's website? How quickly should responses be posted?

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10 *"Walmart Social Media Guidelines." Walmart Corporate. Walmart. Web. 16 May 2012. http://www. walmartstores.com/socialguidelines/.*

- In a crisis situation, who represents the company on social media, and what platforms will be used to disseminate information?

Finally, a social media policy should set a tone for positive online engagement. The experts at 123 Social Media, a corporate social media training partner, promote these general principles for social media policies:

- Treat others as you would like to be treated.
- Add value to your consumers, your industry and your business.
- Be respectful, professional and courteous.
- Provide insight, expertise and relevant conversation.
- Communicate ethically and morally in support of your professional goals.[11]

If your company doesn't have in-house legal counsel to contribute to the team, be sure to have the policy reviewed by outside legal counsel before introducing a final draft to employees. Balancing the rights of employees with the rights of an employer trips up many companies that adopt social media policies. In January 2012, the National Labor Relations Board (NLRB) released a report on 14 recent cases reviewed by the NLRB that involved employer social media policies or firings due to Facebook postings. Of the seven cases that involved employer social media policies, five policies were found to be overly broad, one was found to be lawful and one was found to be lawful after it was revised. Of the cases that involved the firing of employees due to Facebook comments, "several discharges were found to be unlawful because they flowed from unlawful policies," according to the NLRB. "But in one case, the discharge was upheld despite an unlawful policy because the employee's posting was not work-related."[12] The NLRB emphasizes these points:

- Employer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law, such as the discussion of wages or working conditions among employees.
- An employee's comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees.[13]

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11 *"Social Media Policy." 123 Social Media. 123 Social Media. Web. 16 May 2012.*
    http://123socialmedia.com/social-media-policy/.
12 *"Acting General Counsel Issues Second Social Media Report." National Labor Relations Board. National Labor*
    Relations Board, 25 Jan. 2012. Web. 16 May 2012. http://www.nlrb.gov/news/acting-general-counsel-issues-
    second-social-media-report.
13 *Ibid.*

While the legal sign-off on any social media policy is necessary, the team should ensure that the policy itself is written in everyday language. "Legalese confounds interpretation," says Carol Rozwell of Gartner Inc.[SM] "It's similar to how some people respond to math problems. Throw some 'heretofore,' 'affected party' and 'aforementioned' statements into a document and otherwise literate people's eyes glaze over. The language used in the social media policy needs to be precise but not stilted. Remember, in most sizable organizations, English will not be everyone's primary language."[14]

Getting employees on board

With all of the information for a company-specific policy gathered, the team's next step is to consider how to present the guidelines. It isn't enough to have a policy. Like any other workplace practice, the way a policy is presented and the approach to training employees will determine how well the policy is accepted and followed. Think about the way your employees absorb information and adopt new habits, and write the policy in a format that will take advantage of those learning styles. Here are a few approaches:

Short and sweet (or, short and tweet!): Zappos®, the online shoe and apparel retailer, is reported to have Twitter guidelines short enough to tweet: "Be real and use your best judgment." While that policy may not be a broad enough for most employers, it has worked for Zappos as a social marketing strategy: With 400-plus employees tweeting, Zappos hit $1 billion in annual sales in 2008[15] before being acquired by Amazon®.

General guidelines, then details: As previously noted, IBM has been a corporate leader on the topic of social media guidelines. In its policy, after an introduction, IBM lists 12 fairly short guidelines followed by a more detailed explanation of the guidelines. Their most current policy (it's reviewed and updated periodically) can be found by doing an Internet search for "IBM Social Computing Guidelines."

Chart format: The social media policy adopted by electronics retailer Best Buy® begins with the tagline, "Be smart. Be respectful. Be human." The bulk of the policy is presented in a chart headed with two columns: "What you should

14 Rozwell, Carol. "Why Social Media Policies Should Focus on the Do's Rather than the Don'ts." Forbes. Forbes. com LLC, 27 Feb. 2012. Web. 16 May 2012. http://www.forbes.com/sites/gartnergroup/2012/02/27/why-social-media-policies-should-focus-on-the-dos-rather-than-the-donts/.
15 Mitchell, Dan. "Shoe Seller's Secret of Success." The New York Times. The New York Times, 24 May 2008. Web. 16 May 2012. http://www.nytimes.com/2008/05/24/technology/24online.html?_r=1.

do" and "What you should never disclose." The policy ends with a warning of what could happen to an employee who ignores or forgets the guidelines: Get fired. Get Best Buy in legal trouble with customers or investors. Cost Best Buy the ability to get and keep customers. And finally, it concludes with another tagline: "Remember: protect the brand, protect yourself."[16]

A Q&A approach: If the policy team collected questions from employees in the process of gathering information, a Q&A approach that answers those questions can be a helpful format for clearly communicating the policy to employees.

Once a policy is approved and formatted, the social media policy team is ready to introduce the policy through training. This is a key step in encouraging employees to be ambassadors of a brand. Nonprofit and small business strategy consultant Jennifer Amanda Jones recommends a two-track approach: one track for employees who will engage in social media on behalf of the company, and a second track that educates all employees on Internet safety, cyber crime and how to establish and protect online reputations. Through a skill-building approach, as opposed to the dictation of a new policy, employers offer a benefit to employees on an issue that nearly everyone struggles with on personal and professional levels.

"As I read the court cases that come out about social media, it seems to me that many of the cases arise out of ignorance, not malice, on the part of the employee," Jones writes in "Social Media Examiner"℠, an online social media magazine. "Many employees haven't fully thought through the consequences of their cyber behavior. By providing cyber-safety education to their staff, employers are preventing problems before they start."[17]

If your policy covers contractors and freelancers, ensure that they have an opportunity to review the policy as well. This is another tricky area. Dawn Lomer of case management software provider i-Sight® says that there's not much action a company can take against an errant tweet by a freelancer or contractor, other than to end the business relationship. "In terms of prevention, it's best to have every contractor read your policy, which should include a section that deals with identification of the firm in profiles and comments," she says. "Best bet: Before using a freelancer or contractor, talk to him or her about your expectations

16 "Best Buy Social Media Policy." *BestBuy.com*. BBY Solutions Inc., 13 Apr. 2011. Web. 16 May 2012. *http:// forums.bestbuy.com/t5/Welcome-News/Best-Buy-Social-Media-Policy/td-p/20492*.

17 Jones, Jennifer Amanda. "10 Tips for Creating a Social Media Policy for Your Business." *Social Media Examiner. Social Media Examiner, 9 Feb. 2012. Web. 16 May 2012. http://www.socialmediaexaminer.com/10-tips-for-creating-a-social-media-policy-for-your-business/*.

around social media and make it clear that you expect them to follow the same standards as regular employees."[18]

Finally, this is not a policy to stick in the employee handbook and forget about. Social media is constantly changing, with new services and capabilities becoming available every day. The social media policy team should plan to meet to review the policy at least once every six months. Is anything in the policy outdated or no longer in the company's best interest? Has the company's social media strategy changed? What new issues or questions have arisen? Have court decisions or legislation affected the rights of employers and employees who engage social media? What kind of new training or review might the company offer employees?

To paraphrase the Best Buy Social Media Policy, employers and employees need to continually monitor how they protect the brand and protect themselves.

18 Wisniewski, Dan. "Answers to Tricky HR Questions: Does Our Social Media Policy Apply to Contractors." HR Morning.comsm. PBP Media, 1 May 2012. Web. 16 May 2012. http://www.hrmorning.com/answers-to-tricky-hr-questions-does-our-social-media-policy-apply-to-contractors/.