

Sample Social Media Policy¹

This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all [Company name] (Company) “users.” These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior, and may be amended by the Company at any time, for any reason, without notice to users.

For purposes of this policy:

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact, and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards, and so on, through providers such as Facebook, LinkedIn, MySpace, Twitter, YouTube or others.

The term “users” refers to employees, directors, volunteers, and interns. **[NOTE: Consider who ought to be covered by this policy and ensure each person covered receives a copy.]**

Exercise Responsibility Online.

You can be held personally responsible for any of your social media activity conducted with a Company email address or on a Company website or page, and/or which can be traced back to a Company domain, and/or which uses the Company’s Information Systems and/or which expressly or implicitly identifies you as an employee of the Company which violates this policy.

If from your post in a blog or elsewhere in social media it is clear you are a Company employee, or if you mention the Company, or it is reasonably clear you are referring to the Company or a position taken by the Company, and you express a political opinion or an opinion regarding the Company’s positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not the Company’s position. This is necessary to preserve the Company’s good will in the marketplace. **[NOTE: A policy also can distinguish between authorized Company social media usage and personal social media usage. Of course, there is greater ability to restrict behavior with respect to authorized Company social media usage.]**

¹ This policy was drafted with NLRA considerations in mind and General Counsel guidance and case law was considered. Of course, this is an evolving area of the law. This sample language is not intended as advice or assistance with respect to individual problems. It is provided with the understanding that the publisher, editor or authors are not engaged in rendering legal or other professional services. Readers should consult competent counsel or other professional services of their own choosing as to how the matters discussed relate to their own affairs or to resolve specific problems or questions.

Follow Existing Policies and Terms of Use.

Observe and follow (i) existing Company policy and agreements, such as our Employee Handbook and your Employment Agreement(s) with the Company, if applicable, (ii) the policies of the particular online/social networking venue, and (iii) applicable law. This means that you are prohibited from using social media to post or display comments about coworkers or supervisors or the Company that are vulgar, obscene, intimidating, or a violation of the Company's workplace policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic. Thus, the rules in the Company's Employee Handbook, including its Electronic Communication Policy and anti-harassment and discrimination policies apply to employee behavior within social media and in public online spaces. **[NOTE: Although this policy generally applies to all forms of social media, it may not be applicable to all forms of electronic communications (e.g. text messages). To the extent the Company does not currently maintain an Electronic Communications Policy, it should consider implementing one to address these other forms of communication. Until such a policy is in place, the reference here to an "Electronic Communication Policy" should be removed. Electronic communications and similar policies also should be reviewed for NLRA compliance as recent NLRB guidance looked to such policies.]**

Most websites, including Facebook and others, have rules concerning the use and activity conducted on their sites. These are sometimes referred to as "Terms of Use." You must follow the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

Do not post any information or conduct any online activity that may violate applicable local, state or federal laws or regulations. Any conduct which under the law is impermissible if expressed in any other form or forum is impermissible if expressed through social media.

Recognize Others Privacy.

Before sharing a comment, post, picture or video about or from a friend or colleague through any type of social media, it is a good practice to be courteous and first obtain his or her consent.

It also is inappropriate to use or disclose personal information (as explained below) about another individual or use or disclose the Company's confidential or proprietary information in any form of social media. For purposes of this Policy, personal information means an individual's Social Security number, financial

account number, drivers license number, medical information (including family medical history) and other highly sensitive information, as well as, if applicable, information covered by the Company's written information security program. Company confidential or proprietary information includes but is not limited to internal information regarding the Company's finances, future business performance and business plans, business and brand strategies, and information which is or relates to Company trade secrets. All Company rules regarding Company confidential or proprietary information and personal information, including, as applicable, the Company's written information security program, apply in full to social media, such as blogs or social networking sites. For example, any information that cannot be disclosed through a conversation, a note, a letter or an e-mail also cannot be disclosed in a blog. Sharing this type of information, even unintentionally, can potentially result in harm to the individual, harm to the Company's business, and ultimately you and/or Company being sued by an individual, other businesses or the government.

Before posting any online material, ensure that the material is not knowingly false; instead, try to be accurate and truthful. If you find that you've made a mistake, admit it, apologize, correct it and move on. You should never post anything that is maliciously false.

Before posting a comment or responding to a blog, think before sending. If you are unsure about the effects of the post or other online action, you may wish to reach out to your supervisor or Human Resources for some assistance, particularly when unsure about a response to another employee or a client.

Use Your True Identity.

When participating in any social media, we suggest that you be completely transparent and disclose your true identity for your personal protection. Additionally, when commenting on or promoting any Company product or service on any form of social media, you must clearly and conspicuously disclose your relationship with the Company to the members and readers of that social media. **[NOTE: The FTC has issued "Endorsement Guidelines" governing this type of employee conduct. Consider whether education/training is needed beyond this policy particularly where there is a company-sponsored social media site, such as on Facebook.]**

Do not use your own personal online relationships or the Company's network to influence polls, rankings, or web traffic. This is called "astroturfing" or "sock-puppeting" and is highly unethical. You are not to use the size and breadth of the Company network to unduly influence polls, rankings, or web traffic where said traffic is a measure of success or popularity of a particular political opinion.

Manage Your Expectation Of Privacy.

Consistent with the Company's Electronic Communications Policy, the Company may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage, and the like, with or without notice to users of the system, in the ordinary course of business when we deem it appropriate to do so. As such, when using such systems, you should have no expectation of privacy with regard to time, frequency, content or other aspects of your use, including the websites you visit and other Internet/Intranet activity. The reasons the Company accesses and monitors these systems include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; and complying with legal and regulatory requirements.

Interact On Your Time.

The Company respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to protect the Company's interests and to oversee employees' focus on their job duties, employees must avoid excessive use of social media during work time or at any time with the Company equipment or property which adversely affects work performance. Further, any such use of social media with Company equipment or property must not violate Company policy. **[NOTE: This assumes the Company permits social media activity during work time or with Company property.]**

Avoid Personal Attacks, Online Fights, And Hostile Personalities.

If a blogger or any other online influencer posts a statement you disagree with, you can voice your opinion, but we suggest that you do not escalate the conversation to a heated, personal argument. Speak reasonably, factually, and with good humor. Try to understand and credit the other person's point of view. Additionally, avoid communicating with hostile personalities in an effort to avoid personal, professional, or credibility attacks.

Identify Any Copyrighted Or Borrowed Material With Citations And Links.

When publishing any online material through social media that includes another's direct or paraphrased quotes, thoughts, ideas, photos, or videos, always use citations and link to the original material where applicable.

Should you have any questions about this policy, please see _____.