

THINKING POINTS FOR DRAFTING AN INTERNAL SOCIAL MEDIA POLICY

Draft a Social Media Policy: The specifics of your company's social media policy will depend on your goals and concerns involving social media use. However, the following issues usually merit consideration:

- **Good Judgment:** Remind employees that the policy does not purport to address every possible issue involving social media use. Employees should always use good judgment and act prudently when using social media.
- **Incorporate Other Policies:** A social media policy should emphasize that the company's other policies – including discrimination, harassment, confidentiality, diversity, and privacy policies – apply to employee social media use.
- **Business vs. Personal Use:** In most cases, it is best to avoid broadly prohibiting employees from discussing the terms and conditions of their employment online. Social media policies should, however, explain the company's views on employees' personal use and business use, the latter which would give the impression that the employee was speaking for the company. The company should seriously consider requiring express authorization for business use of social media.
- **Protect Your Company's Social Media Property:** Employees authorized to use social media on the company's behalf should be required to acknowledge, where appropriate, that any social media accounts or content created for such business purposes is the company's property. The employee should understand and acknowledge that he or she has no right to these accounts or any content created with them when the employment relationship ends.
- **Identify Affiliations:** Employees should identify themselves as company employees before posting information that could be construed as an endorsement of the company or its clients, or criticism of a competitor.
- **No Privacy Expectations:** The policy should remind employees that the use of company equipment and personal or business use of social media may be monitored by the company in the normal course of business.

Consistently Enforce Your Policy: This will send a clear message to employees regarding your expectations, as well as protect the company from claims that the policy was enforced in a discriminatory manner.

David A. Bell
Chair, Social Media Practice Group
214.651.5248
david.bell@haynesboone.com
Blog – SoMeLawBrief.com