

## **SOCIAL MEDIA POLICY**

### **Purpose**

[EMPLOYER NAME] recognizes that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, Twitter, blogs and wikis. However, employees' use of social media can pose risks to [EMPLOYER NAME]'s confidential and proprietary information, can expose employers to claims of sexual or racial harassment and can jeopardize the company's compliance with business rules and laws.

To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance and to ensure that the company's IT resources and communications systems are used appropriately as explained below, [EMPLOYER NAME] expects its employees to adhere to the following guidelines and rules regarding use of social media.

Apart from personal use of social media in accordance with this policy, [[EMPLOYER NAME] encourages its employees to participate responsibly in these media as a means of generating interest in [EMPLOYER NAME]'s [products/services] and creating business opportunities so long as all of [EMPLOYER NAME] rules and guidelines regarding social media usage, particularly in a business context, are adhered to] **OR** [[EMPLOYER NAME] takes no position as to its employees' participation in these media for business purposes].

This policy is not intended to preclude or dissuade discussions among employees about wages, terms and conditions of employment or other legally protected or required activities.

### **Compliance With Related Policies and Agreements**

All of [EMPLOYER NAME]'s other policies that might apply to use of social media remain in full force and effect. Employees should always adhere to them when using social media. In particular, the following policies should be kept in mind: [LIST RELATED POLICIES AND AGREEMENTS IN BULLET FORM.]

Social media should never be used in a way that violates any other [EMPLOYER NAME] policies or employee obligations. If your social media activity would violate any of [EMPLOYER NAME]'s policies in another forum, it will also violate them in an online forum. For example, employees are prohibited from using social media to:

- Violate [EMPLOYER NAME]'s IT resources and communications systems policies.
- Violate [EMPLOYER NAME]'s confidentiality and proprietary rights policies.
- Circumvent [EMPLOYER NAME]'s ethics and standards of conduct policies.
- Engage in unlawful harassment.
- Circumvent policies prohibiting unlawful discrimination against current employees or applicants for employment.
- Violate [EMPLOYER NAME]'s privacy policies (for example, never access private password protected sites of co-workers or other [EMPLOYER NAME] stakeholders without permission).
- Violate any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than yourself or by creating an artificial "buzz" around our business, products or stock).

[Employees should also never provide references or recommendations for stakeholders on social or professional networking sites, as such references or recommendations can be attributed to [EMPLOYER NAME] and create legal liability for employees and [EMPLOYER NAME] (such as interference with prospective business contracts and allegations of wrongful termination)].

Employees who violate [EMPLOYER NAME] policies may be subject to discipline, up to and including termination of employment.

### **Personal Use of Social Media**

[Personal use of social media is never permitted on working time by means of the company's computers, networks and other IT resources and communications systems.]

**OR**

[We recognize that employees might work long hours and occasionally may desire to use social media for personal activities at the office or by means of the company's computers, networks and other IT resources and communications systems. We authorize such occasional use so long as it does not involve unprofessional or inappropriate content [(not otherwise protected or required by law)] and does not

interfere with your employment responsibilities or productivity. Circulating or posting commercial, personal, religious or political solicitations, chain letters, spam or promotion of outside organizations unrelated to company business are also prohibited [unless otherwise protected or required by law.]]

### **No Expectation of Privacy**

All contents of [EMPLOYER NAME]'s IT resources and communications systems are the property of the company. Therefore, employees should have no expectation of privacy whatsoever in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on the company's electronic information and communications systems.

You are expressly advised that in order to prevent misuse, **[EMPLOYER NAME] reserves the right to monitor, intercept and review, without further notice, every employee's activities using the company's IT resources and communications systems, including but not limited to social media postings and activities, and you consent to such monitoring by your acknowledgement of this policy and your use of such resources and systems.** This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing of transactions, messages, communications, postings, log-ins, recordings and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

The company also may store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

Do not use the company's IT resources and communications systems for any matter that you desire to be kept private or confidential from the company.

### **Business Use of Social Media**

If you are required to use social media as part of your job duties, for the company's marketing, public relations, recruitment, corporate communications or other business purposes, you should carefully review [EMPLOYER NAME]'s [NAME OF SOCIAL MEDIA BUSINESS USE GUIDELINES]. If your job duties require you to speak on behalf of the company in a social media environment, you must still seek approval for such communication from [YOUR MANAGER/DEPARTMENT NAME], who may require training before you do so and impose certain requirements and restrictions with regard to your activities. Likewise, if you are contacted for comment about [EMPLOYER NAME] for publication, including in any social media outlet, direct the inquiry to [DEPARTMENT NAME] and do not respond without written approval.

## **Guidelines for Employees' Responsible Use of Social Media**

The above material covers specific rules, policies and contractual obligations that employees must follow in using social media, whether for personal or business purposes, in consideration of their employment and subject to discipline for violations. The following sections of the policy provide employees with common-sense guidelines and recommendations for using social media responsibly and safely, in the best interests of [EMPLOYER NAME]. These guidelines reflect the "duty of loyalty" every employee owes its employer, and are intended to add to, not contradict, limit or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions and contractual obligations.

**Employee Duty of Loyalty.** Make it clear in your social media activity that you are speaking on your own behalf. Write in the first person and use your personal e-mail address when communicating via social media. [Never post anonymously to social media sites when your post could be attributed to [EMPLOYER NAME], its affiliates, customers, clients, business partners, suppliers, vendors or other stakeholders. Anonymous posts can be traced back to the original sender's email address. Follow all guidelines in this policy regarding social media postings.]

You are personally responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses (including the company itself, future employers and social acquaintances) for a long time. Keep this in mind before you post content.

If you disclose your affiliation as an employee of [EMPLOYER NAME], it is recommended that you also include a disclaimer that your views do not represent those of your employer. For example, consider such language as "the views in this posting do not represent the views of my employer".

Use good judgment about what you post and remember that anything you say can reflect on [EMPLOYER NAME], even if you do include a disclaimer. Always strive to be accurate in your communications about [EMPLOYER NAME] and remember that your statements have the potential to result in liability for yourself or [EMPLOYER NAME]. [EMPLOYER NAME] encourages professionalism and honesty in social media and other communications.

**Respect Intellectual Property and Confidential Information.** [EMPLOYER NAME]'s [CONFIDENTIALITY AND PROPRIETARY RIGHTS AGREEMENT/EMPLOYEE HANDBOOK] restricts employees' use and disclosure of the company's confidential information and intellectual property (see above). Beyond these mandatory restrictions, you should treat the company's valuable trade secrets and

other confidential information and intellectual property accordingly and not do anything to jeopardize them through your use of social media. In addition, you should avoid misappropriating or infringing the intellectual property of other companies and individuals, which can create liability for yourself and for [EMPLOYER NAME].

To protect yourself and the company against liability for copyright or trademark infringement, where appropriate, reference sources of particular information you post or upload and cite them accurately. If you have any questions about whether a particular post or upload might violate the copyright or trademark of any person or company (outside of "fair use" exceptions), ask the [EMPLOYER NAME] legal department before making the communication.

**Respect and Comply With Terms of Use of All Sites You Visit.** Do not expose yourself or [EMPLOYER NAME] to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites you visit and ensure your use complies with them. Pay particular attention to terms relating to:

- Prohibitions or restrictions on the use of the social media site, including prohibitions or restrictions on use for advertising, marketing and promotions or other commercial purposes (for example, *Facebook's Statement of Rights and Responsibilities* (its terms of use) prohibit businesses from administering promotions through Facebook without Facebook's prior written consent).
- Ownership of intellectual property used on, or information collected or generated through use of, the site (for example, any of the company's copyrighted material and trademarks that might be posted on the site, or customer information the company collects through the site).
- Requirements for licenses or other grants allowing use by the site owner and other third parties of the company's trademarks or other intellectual property.
- Privacy rights and responsibilities of the site owner and users.

**Respect Others.** Do not post anything that [EMPLOYER NAME]'s customers, clients, business partners, suppliers or vendors would find offensive, including ethnic slurs, sexist comments, discriminatory comments, insults or obscenity.

Do not post anything related to [EMPLOYER NAME]'s customers, clients, business partners, suppliers or vendors without their written permission.

[Supervisors should refrain from trying to connect with direct reports on social media sites (for example, making friend requests on Facebook). Direct reports may request connections with supervisors, however. Supervisors should not feel pressured to accept the request.]

OR

[Supervisors and direct reports should refrain from trying to connect with one another on social media sites (for example, making friend requests on Facebook). Neither supervisors nor direct reports should feel pressured to accept any requests from anyone at [EMPLOYER NAME].]

**[ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

I have received and read a copy of the [EMPLOYER NAME] Social Media Policy and understand its contents. I understand that [EMPLOYER NAME] expressly reserves the right to change, modify or delete its provisions without notice.

Further, I understand that my employment is voluntarily entered into, that I am free to resign at any time and that [EMPLOYER NAME] may terminate the employment relationship whenever it so determines with or without notice or cause. **I understand that I am employed at will, and this policy does not modify my at will employment status.**

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[EMPLOYEE NAME]

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DATE]]