

Social Media Policies for Management Companies and Associations

by Jeffrey C. O'Brien, Lommen Abdo Law Firm

The growth of social media sites and users creates unique issues for association management companies, as well as for any association which chooses to utilize this new medium of communication. Unlike "what happens in Vegas stays in Vegas", what happens on the internet tends to spread like wildfire.

Associations and their management companies must deal with separate concerns relative to social media usage. For associations, the chief concern is content. What are homeowners of the association saying online regarding the association, its board, or even other residents? Is the content considered defamatory or discriminatory?

The Association Policy

An association's social media policy is akin to the guidelines for comments on news sites and blogs. The association's Facebook group should contain a statement such as the following:

This is intended as an open forum for discussion of all issues involving [INSERT NAME OF ASSOCIATION]. Group members should be respectful of other members and should refrain from any offensive, racist or defamatory comments. Group members who do not adhere to these guidelines will be removed from the group by the Administrators.

Further, at least two board members and/or a board member and the association manager should be named as Administrators of the group with the ability and authority to take action against residents who violate the policy for the association's Facebook group.

The Management Company's Policy

For the association management company, the issue is the regulation of its employees' online behavior. Reasons for employers to develop a social media policy include: eliminating harassing,

discriminatory and defamatory postings, warning employees of disciplinary consequences for releasing confidential and proprietary information and trade secrets, and putting employees on notice as to what the employer expects should and should not be posted about the employer online. Also, the employer must designate a person responsible for managing its social media policy.

A management company's social media policy for its employees should address the following elements:

- **Definition.** First and foremost, the company needs to define what constitutes "social media" for purposes of its policy. Will it be limited to Facebook, Twitter, LinkedIn, etc., or does it include blogs, comments on websites, and the like.
- **Content Restrictions.** Like any employer, a management company is going to be concerned with what its employees are posting online. Certainly, derogatory references to the employer, other employees or even particular association clients should be prohibited, with disciplinary procedures established for violations.
- **Time, Place and Manner Restrictions.** A significant issue for employers regards the use of social media at work. Should everyone have full online access throughout the work day, or should usage of social media sites be limited to designated spokespersons.
- **Spokesperson Designation.** If the company has a marketing/business development person on staff, he/she is likely to be in the best position to be the "official" company spokesperson. If such a designation is made, the company's policy may require others to post a disclaimer that their posts/comments/

tweets/etc. are their own personal opinions and not those of the company.

- **Confidentiality Guidelines.**

It is essential that the company's employees do not disclose the company's confidential information online. For example, if your company is responding to an RFP for a particular association, employees should not be commenting about it online, as there is no better way to tell the competition of an opportunity to take business from your company than to tell them about it before the company has closed the deal.

- **Legal Compliance.** Employees need to be mindful of intellectual property issues, particularly copyrights and trademarks. Make sure that posters have permission to post copyrighted or trademarked works.

Finally, for employers, the social media policy should be included in the company's employee handbook, and every employee should acknowledge in writing that they received and read it. Any changes to the policy should be communicated to employees and their written acknowledgement as to changes should also be required.

If you are unsure about how to craft your policy, ask any human resources professional or employment attorney for assistance. These professionals regularly draft and review social media policies and employee handbooks. ■



O'BRIEN

Jeffrey C. O'Brien is an attorney with the Lommen Abdo Law Firm in Minneapolis. A self-described social media junkie, he can be reached at (612) 336-9317 or via email at jobrien@lommen.com.

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