PRIMA 2014
WEBINAR SERIES



Social Media: Be Afraid, Be Very Afraid

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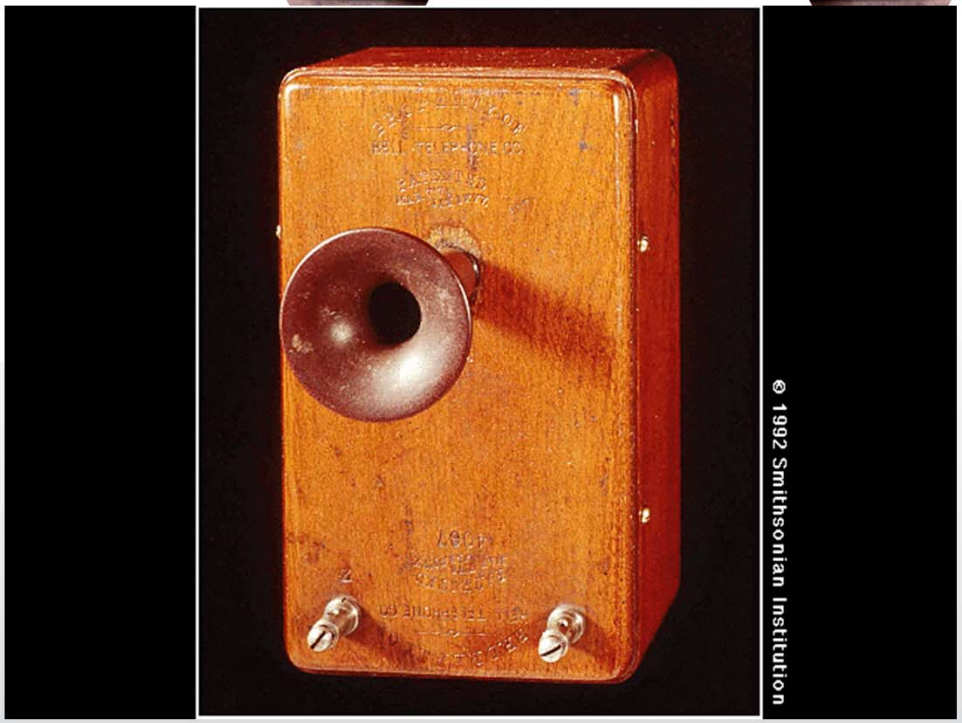




So there's this thing...






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1
2
3
4
REALISTIC
DOOBIE-J.GIELS




PIONEER


SONY
Discman
SONY


INSTAMATIC
CAMERA
154
Kodak


Любитель 2


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Petri
Kuribayashi
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D.I.S.

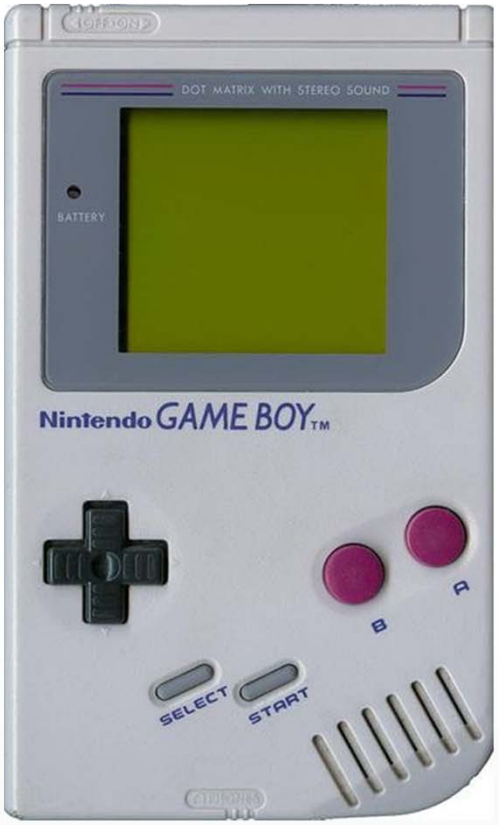







Nintendo
ENTERTAINMENT SYSTEM
SELECT START
Nintendo


DONKEY KONG
JUNIOR


DOT MATRIX WITH STEREO SOUND
BATTERY
Nintendo GAME BOY™
B
A
SELECT
START


INTELLIVISION




iBook
Introducing
more Mac mini.






ELITE




SONY



GROWING GAP: TECHNOLOGY SUPERVISION & EDUCATION



Our technological growth rate as a society is **ACCELERATING**




I'm talking to my 5th grade
Students about internet safety
and how quickly a photo can
be seen by lots of people. If
you are reading this, please
click "LIKE" Thanks!
11/18/13




I'm talking to my 5th grade
Students about internet safety
and how quickly a photo can
be seen by lots of people. If
you are reading this, please
click "LIKE." Thanks!
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REMAIN CALM



IT IS NOT **DOOMSDAY**




HAVES

TRYING NOT TO….



WHAT ARE YOUR RULES?



DO YOU HAVE RULES?

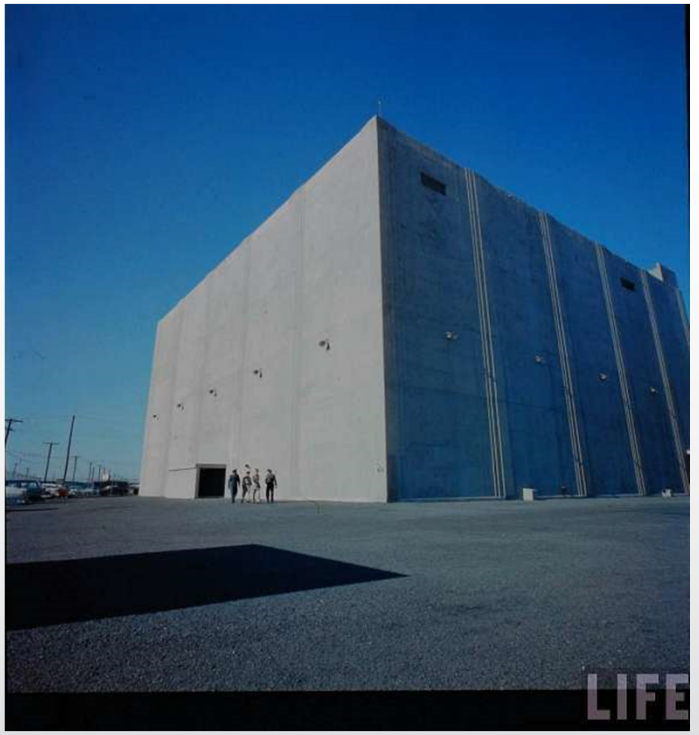


RULES FOR WHAT??



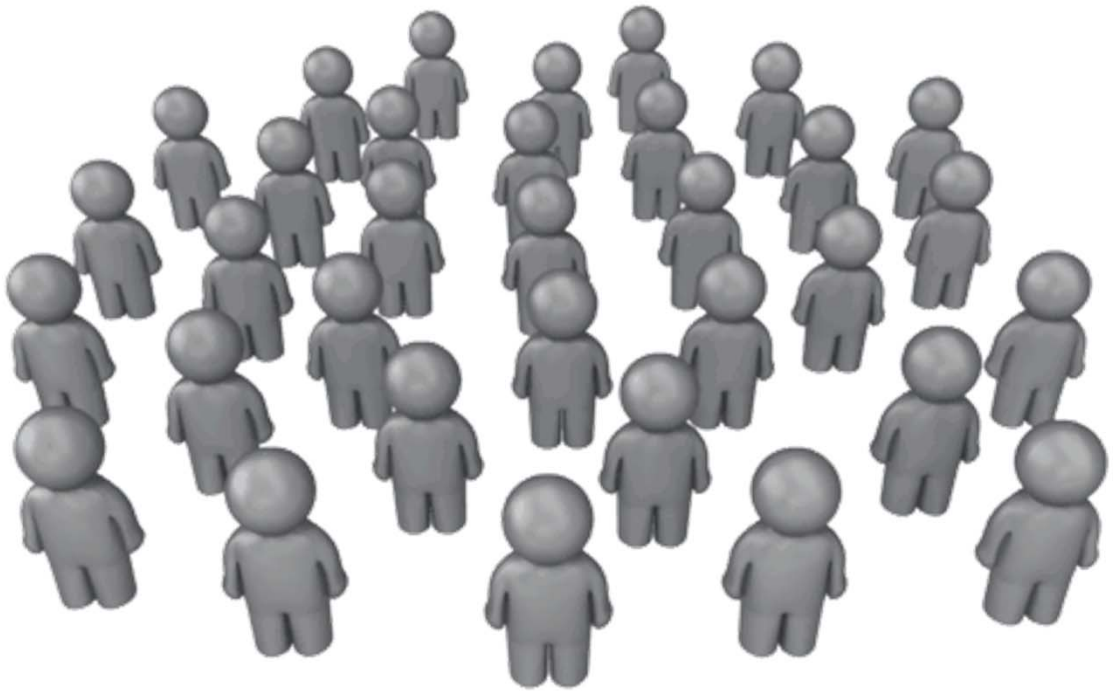


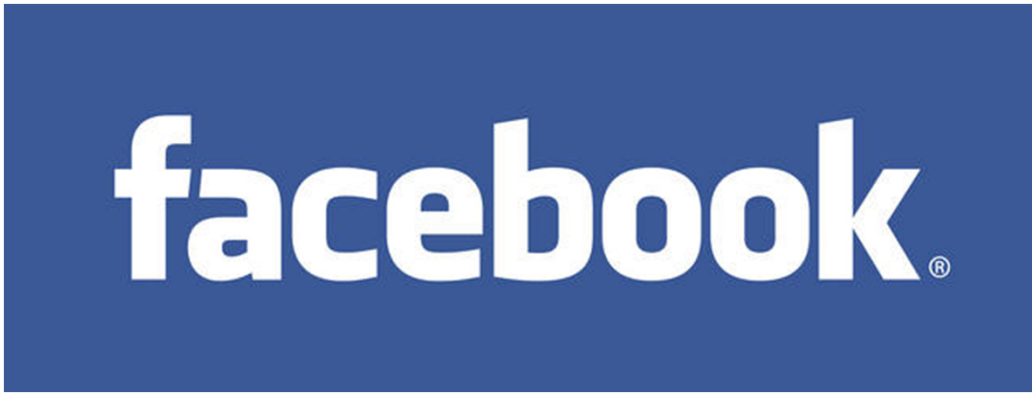
Next time you *wail* that your computer is not fast enough….



On internet everything travels

FAST *and* **FAR**





- **Over a Billion** users
- **819 Million** users access through mobile devices
- **699 Million** log in daily
- **83 Million** fake profiles

THESE SITES ARE FREE

THESE SITES ARE NOT FREE

STILL TRENDING UP

- 91% of the adult population now owns some kind of cell phone
- 56% of all American adults are now smartphone adopters.
- 35% have some other kind of cell phone
- 9% of Americans do not own a cell phone at all.

ETIQUETTE IS NOT CLEAR

SOME EMPLOYEES ARE CLUELESS

VIDEO NEVER GOES AWAY

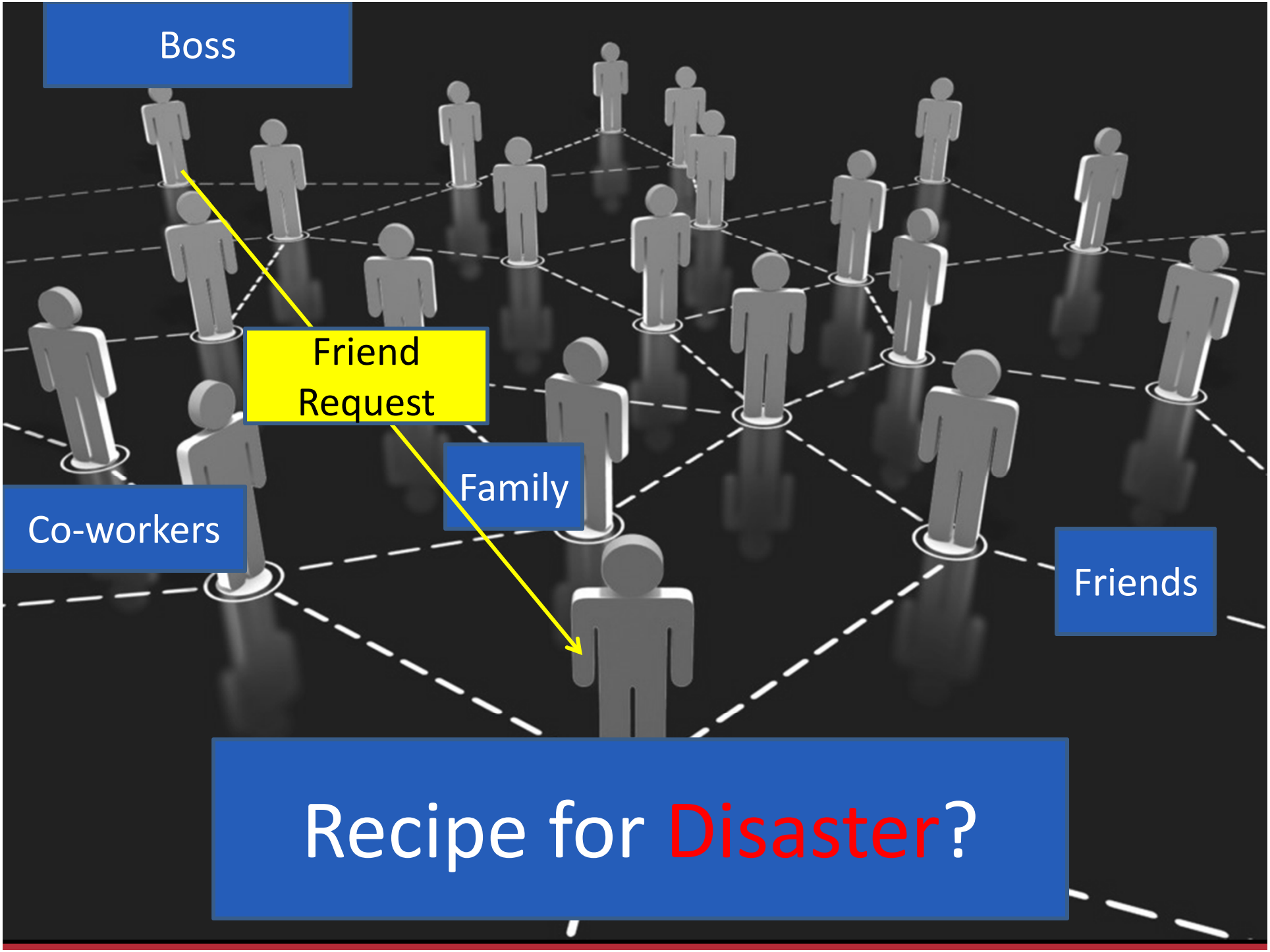
- Video - *IT* IS *ON VIDEO*!?!
- If it is on video – it is likely a public record
- Do not bargain limits on discipline use

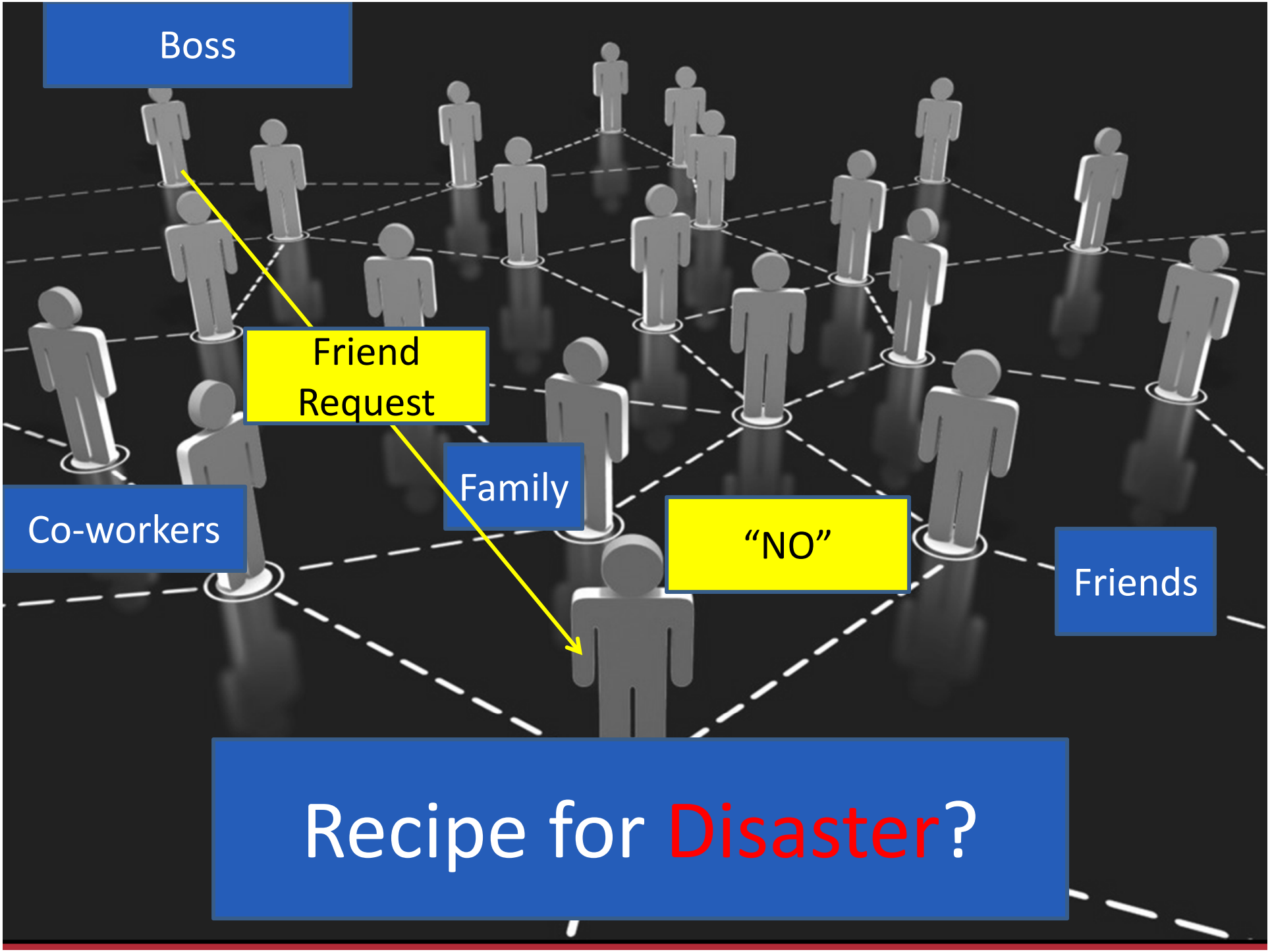


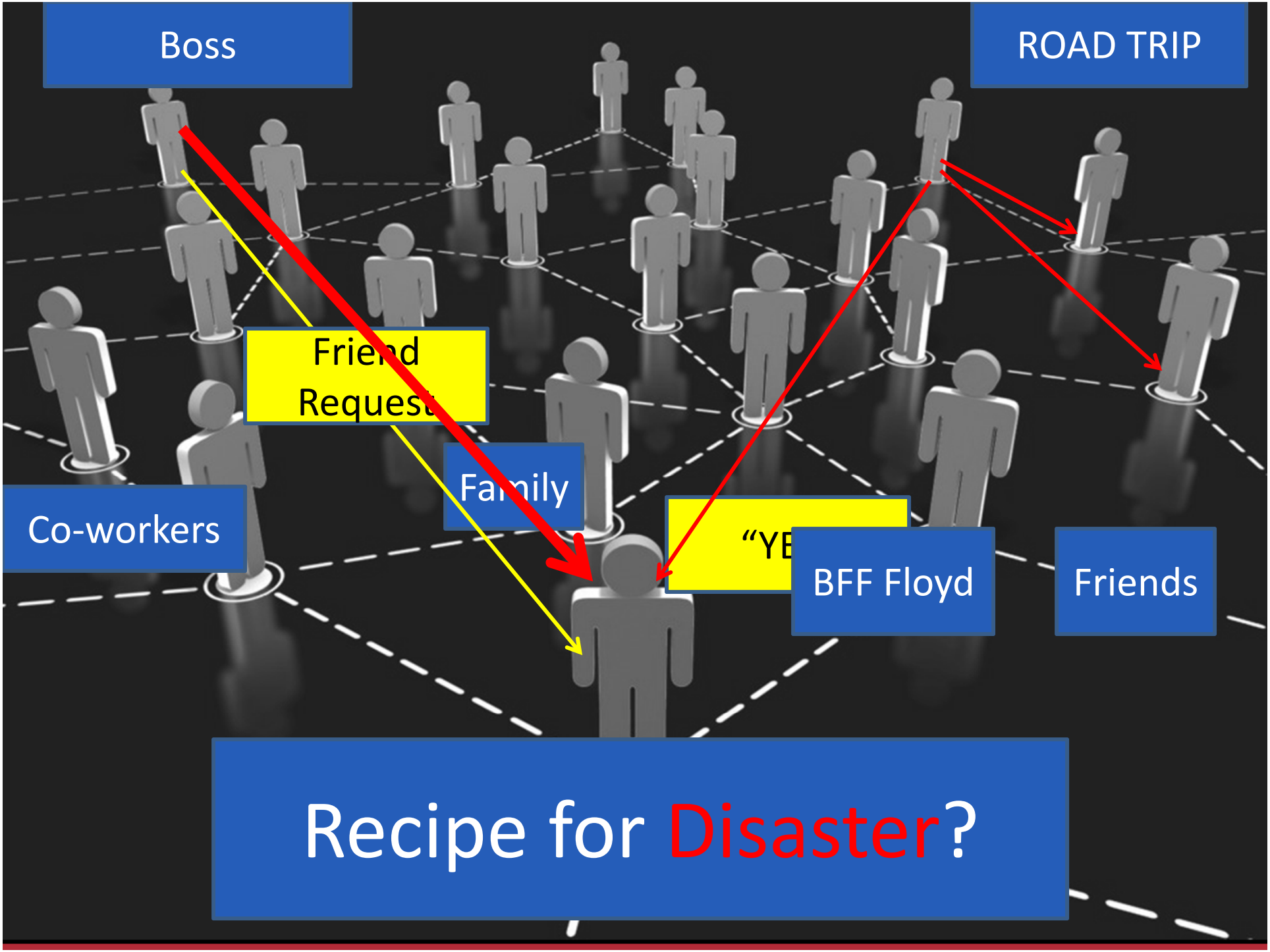
Stored Communications Act

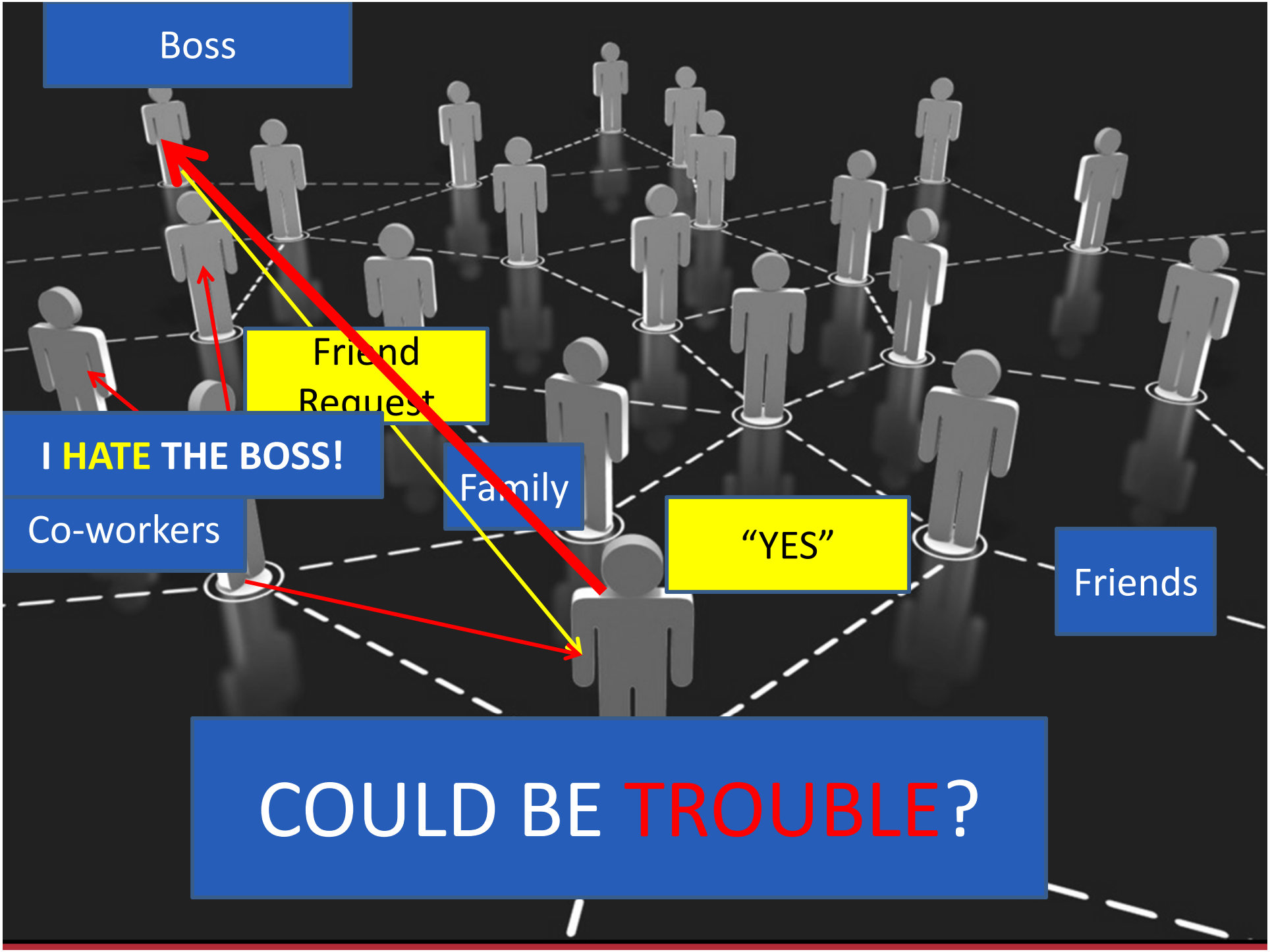
Offense to intentionally access without authorization a facility through which an electronic communication service is provided and thereby obtain access to a wire or electronic communication while it is in electronic storage in such system.

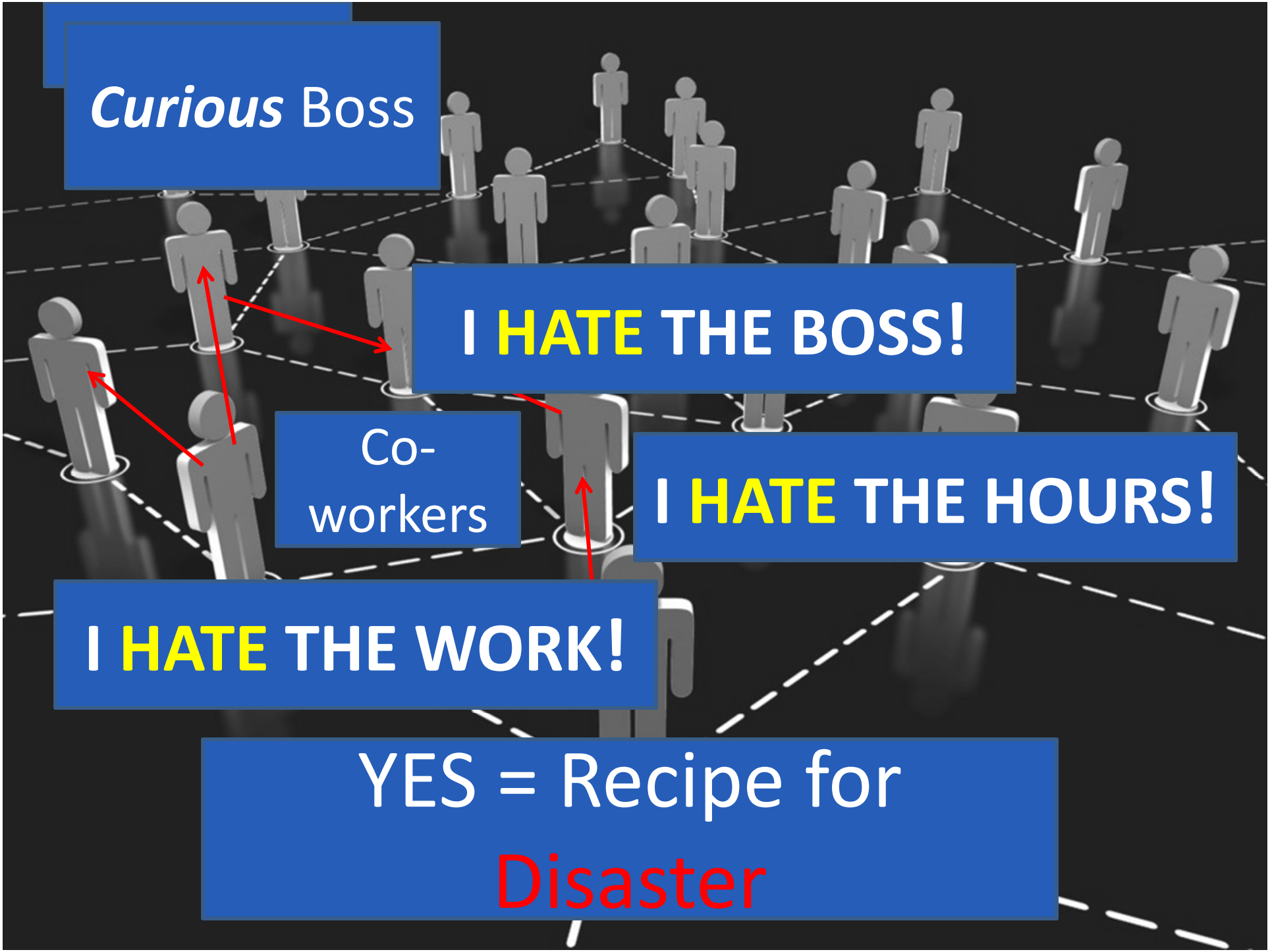



Boss
Friend Request
Family
Co-workers
Friends
Recipe for Disaster?


Boss
Friend Request
Family
Co-workers
"NO"
Friends
Recipe for Disaster?


Boss
ROAD TRIP
Friend Request
Family
Co-workers
BFF Floyd
Friends
Recipe for Disaster?


Boss
Friend Request
I HATE THE BOSS!
Family
Co-workers
"YES"
Friends
COULD BE TROUBLE?


Curious Boss
I HATE THE BOSS!
Co-workers
I HATE THE HOURS!
I HATE THE WORK!
YES = Recipe for Disaster

Policies restricting personal use of social media

- Avoid overbroad restrictions on:
  - discussion of wages,
  - corrective actions and discharge of co-workers,
  - employment investigations, and
  - disparagement of management
- Other limits may trigger issues

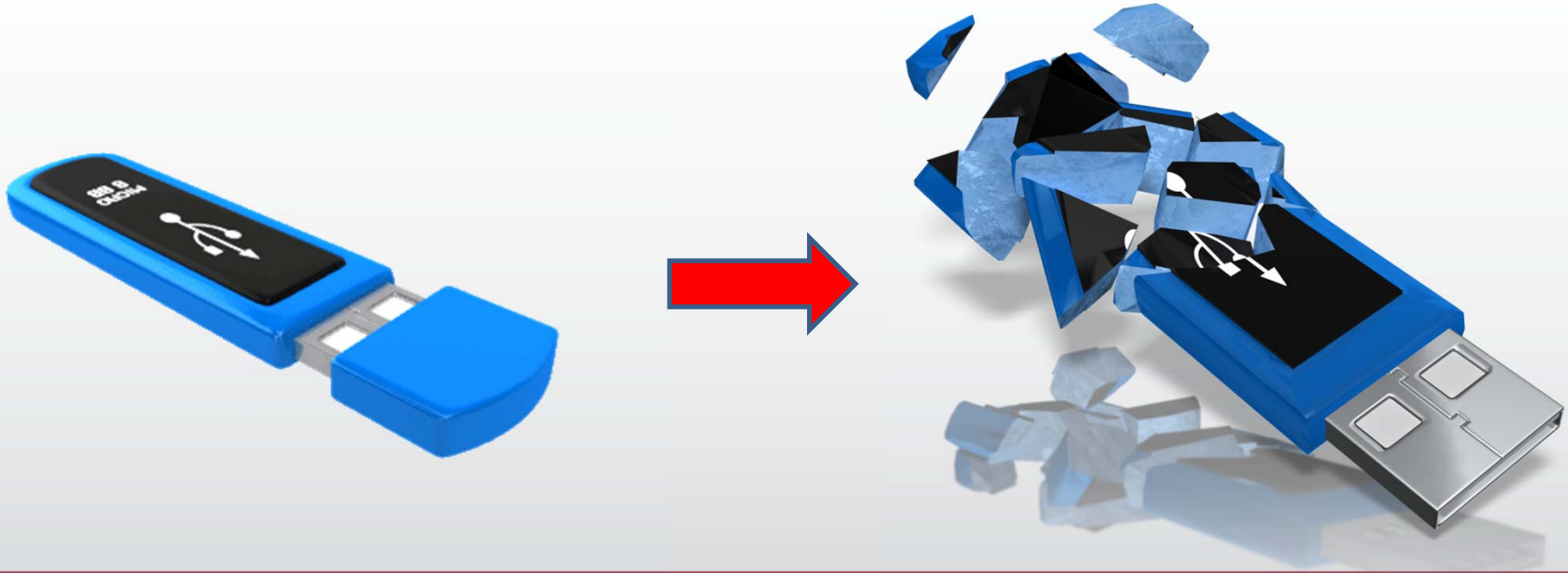
Unlawful discharge or discipline over social media posts

- Whether employer unlawfully threatened, interrogated, or covertly watched employees
- Protected speech?

GAPS in Technology Supervision

- Rules for technology not centralized?
- Can lead to:
  - Inconsistent deployments
  - Inconsistent enforcement
  - Inconsistent education
  - Oftentimes a lack of awareness of technology use in building, including social media

As policies & procedures grow in the area of technology, increased scalability challenges







Do you use social media as a part of your hiring process?

What controls or directives are in place?

PROTECTING PRIVACY IS DIFFICULT ONLINE



Be judicious about researching an applicant with social media



Some questions are improper in an interview

Careful about researching the same information on the internet!



Types of off-limits information…

- Race, color, national origin, religion, gender (*Title VII of the Civil Rights Act*)
- Age (*Age Discrimination in Employment Act*)
- Family Genetics (*Genetic Information Non-discrimination Act*)
- Pregnancy, orientation, political views

First Amendment

- No law respecting establishment of religion or prohibiting free exercise thereof;
- Or abridging the freedom of speech or of the press;
- Or the right peaceably to assemble, and to petition the Government for a redress of grievances

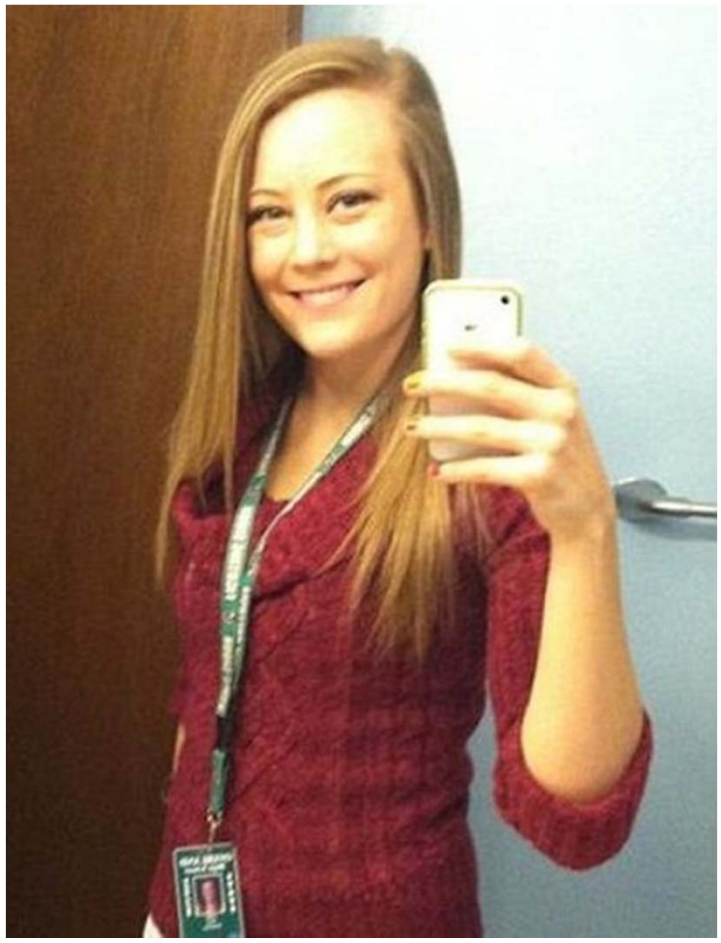
Do NOT get overzealous in regulating staff social networking

Prohibit employees "*from electronically posting in publicly accessible websites any statements, documents, or photographs that might cast the employee, the students, or the District in a negative, scandalous, or embarrassing light*"?



WHAT ABOUT STAFF CONDUCT?

- 23-year-old high school teacher tweets nude photos of herself, calls her students “jail bait” and talks about getting high



It ***DEPENDS…***

- Notice?
- Relevance to work?
- Disruptive impact to workplace?
- Threats?
- Involves stakeholders directly?
- Untruthful in application process?
- Protected information?



Organizations exist to protect student privacy/free speech rights. They are *motivated*!

Fourth Amendment

- Secure against unreasonable searches and seizures
- Searches upon probable cause
- Specific place to be searched, and persons or things to be seized



City of Ontario v. Quon (2010!)

- Search of employee pagers
- Legitimate work-related search not excessive
- ”Reasonableness Standard” is very subjective - Highly fact specific
- Mixed signals get public entities into trouble



Courts yet to address how civil rights notions apply to personal electronic devices



SUBSIDIZED CELL PHONES?



Your Information on the Move

- Why employees need access?
- Written waiver of privacy & policy acknowledgement?
- Records protected or encrypted?
- Have procedure if lost?



DO YOU UNDERSTAND HOW SOCIAL MEDIA INFORMATION IS TRACKED?



THERE IS AN AUDIT RECORD

MANY DO NOT RECOGNIZE THAT



IT SECURITY REQUIRES INTROSPECTION INTO SYSTEMS & SOCIAL MEDIA



Start Caring About Data Security

- Law requires you to:
  - Federal Breach notification law foreseeable
- Breaches are expensive
- New technologies present new risks
  - i.e. cloud computing



Your entity:

1. RIGHT PERSON TALKING?
2. With the RIGHT MESSAGE?



What is the first thing MOST people charge when power is limited?



Crisis Communication and Social Media

- Social media sites can be effective tools for conveying:
  - Instantaneous information, and
  - Real-time updates
- Social media sites have the advantage of broadcasting information to a wider audience

Crisis Communication and Social Media

- Social media sites can also spread inaccurate information
  - Thus, it is necessary to monitor the social media account and quickly act on inaccuracies and other potential issues
  - If you have an open forum site operated by your entity actively monitor

Social Media

- You are always on the record
- The public and press will learn of a crisis through social media FAST
  - Comments will already be flying



Twitter as an Effective Crisis Communicator

- Provides instant information
- Provides real-time update
- Effective for natural disasters and other crises by providing community with information on:
  - How to prepare
  - How to respond
  - Where to receive aid

We've deleted the rogue tweet but rest assured the Red Cross is sober and we've confiscated the keys.

about 23 hours ago via ÜberTwitter
Retweeted by 100+ people



RedCross
American Red Cross

twitter-fail.com

SOCIAL MEDIA HAS IMMEDIATE VALUE



SOCIAL MEDIA ACCOUNT MUST HAVES

1. Maturity
2. Focus & understanding goals/policies
3. Customer service, public relations, crisis management
4. Communication/writing skills
5. Understand boundaries of humor
6. Social-media account control

SOCIAL MEDIA TIPS FOR CRISIS

- Watch for criticism or questions and response as much as possible
- View it as an opportunity to enhance reputation and perceived competence
- Use it to beat the press to the punch as appropriate



GET SOCIAL MEDIA POLICIES



Written Notice of Expectation

- Code of Conduct at work
- Use of Technology Rules
  - Prohibit possession of sexually explicit images or depictions
- Harassment Policy
- Acceptable Use Agreements
- Social Media Engagement Policy
- Wage & Hour issues

Use Acceptable Use Agreements

- When no expectation of privacy
- Incorporate codes of conduct
- Incorporate “Responsible Use”
- For minors, signed by parent/guardian as well

Employee Social Networking Policy

- Broad/scalable definition of Social Media
- Incorporate “Responsible Use”
  - Legal exposure
- Identifying as employee of company
- No Provision of references

Employee Social Networking Policy (cont)

- Trade secrets/confidential information
- Discussions of clients, customers
- Understand Terms of Service
- Not interfere with productivity
- Subject to discipline

Policy Points to Consider - *cont.*

- Clearly indicate that any content posted or submitted for posting is subject to public disclosure
- Users should be notified that public disclosure requests must be directed to the relevant departmental public disclosure officer

Policy Points to Consider - *cont.*

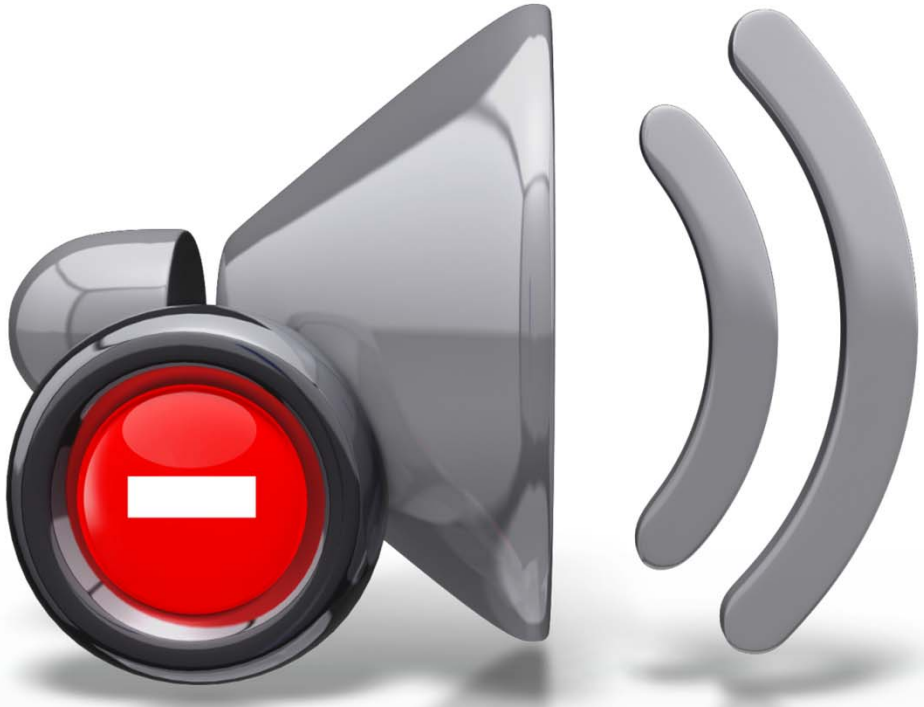
- Content not allowed:
  - Support or opposition to political campaigns
  - Profane language or content
  - Content that promotes discrimination
  - Sexual content or links to sexual content;
  - Solicitations of commerce
  - Encouragement of illegal activity
  - Information that may compromise safety

Policy Points to Consider - *cont.*

- Guidelines must be displayed to users
- Content removed should be retained, including the time, date and identity of the poster if available
- Reserve the right to restrict or remove any content that is deemed in violation of social media policy or any applicable law

Policy Points to Consider - *cont.*

- Approach use of social media tools as consistently as possible
  - Limit gatekeepers
- Approve specific social media for use
  - For each approved, develop and adopt use guidelines, procedures for managing accounts
- Look at worst case scenarios



DON’T BE MUTE
ON EXPECTATIONS

UPDATE SOCIAL MEDIA & TECH POLICIES



TRAIN ON POLICIES



ENFORCE POLICIES



BE VIGILANT



STAY POSITIVE

