

SAMPLE SOCIAL MEDIAL POLICY

(courtesy of McGuireWoods LLP)

Social media (including personal and professional websites, blogs, chat rooms and bulletin boards; social networks, such as Facebook, LinkedIn, Twitter and MySpace; video-sharing sites such as YouTube; and e-mail) are a common means of communication and self-expression. Because online postings can conflict with the interests of _____ (“Company”) and its customers, the Company has adopted the following policy. Breach of this policy may result in counseling and disciplinary action, including termination of employment.

Confidentiality and Privacy

- Do not disclose the Company’s confidential or proprietary information, or personal identifying information of anyone at the Company, in online postings or publications. Sharing these types of information, even unintentionally, could result in harm to the Company and legal action against you or the Company.

Your Identity Online

- You are personally liable for all communications and information you publish online. The Company may be liable for online activity that uses company assets, a company e-mail address or any e-mail address that can be traced back to the Company’s domain, which generally is any internet address affiliated with the Company. Using your name and a Company e-mail address may imply that you are acting on the Company’s behalf. Because social media and networking activities are public, your Company e-mail address and Company assets should be used only to perform job-related activities, which may include professional networking but do not include personal social networking.
- Outside the workplace, you have a right to participate in social media and networks using your personal e-mail address. However, information and communications that you publish on personal online sites should never be attributed to the Company or appear to be endorsed by, or to have originated from, the Company.
- If you choose to disclose your affiliation with the Company in an online communication, then you must treat all communications associated with the disclosure as professional communications governed by this and other Company policies.

Limitations on Online Publications

- Never identify a customer or co-worker in an online posting without his or her prior written permission.
- Obey the law and ethics rules. Do not post any information or engage in any online activity that violates applicable local, state or federal laws, or professional rules of conduct.
- Identify all copyrighted or borrowed material with citations and links. When publishing direct or paraphrased quotes, thoughts, ideas, photos or videos, give credit to the original publisher or author.
- Direct all requests for references for current or former Company employees to the Human Resources Department. Comments you post about current and former employees can have legal consequences, even if you make the comments personally and not on the Company's behalf.

Creating and Managing Content

- The _____ Department must approve any website, blog, chat room, video-sharing site, bulletin board or other social media that promotes the Company. No employee may incorporate the Company's logo or other intellectual property in a website, blog, chat room, video-sharing site, bulletin board or other social media without the Company's written permission.
- If you maintain a website, blog, chat room, video-sharing site, bulletin board or other social media that promotes the Company, you are responsible for reviewing responses to online posts and resolving any concerns about the propriety of the responses before they are posted.
- If a blogger or any other online participant posts an inaccurate, accusatory or negative comment about the Company or any of its employees, do not respond to the post without the approval of the _____ Department.
- Refrain from publishing comments about controversial or potentially inflammatory subjects, including politics, sex, religion or any other non-business related subjects in any posts or other online communications involving the Company.
- Avoid hostile or harassing communications in any posts or other online communications involving the Company. Harassment is any offensive conduct based on a person's race, sex, gender, gender identity, national origin, color, disability, age, sexual orientation, veteran status, marital status, religion or any other status protected by law.

Nothing in this policy is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.