Social Media Policy and Non-Profit Organizations: Exploring the Legal Ramifications of 'Being Social'

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1. Introduction

In recent years individuals, businesses and non-profit organizations have embraced the use of social media, online tools that support the quick and easy creation and sharing of content by users including blogs, social network sites [1]. Increasingly, organizations are noting the imperative to be where their target market is, and are creating a social media presence.

This paper contrasts three non-profit organizations' social media policies and guidelines. It identifies critical legal and ethical points for organizations to consider when devising a social media policy. While various guidelines on writing social media policies exist, the cases examined here underlined the variations in organizational approach, which may in some cases expose the employer to liability and potential litigation. In addition, non-profits have context specific considerations such as neutrality and crisis care that should be noted explicitly in their guidelines and policy for the benefit of all stakeholders. As more and more social media and employment cases are heard by tribunals and courts, it is important for all organizations to stay up to date with social media technology and the law, to ensure that their interests are protected.

Klang and Nolin provide a useful model for classifying social media policies and guidelines based on their foundation position [2]. Policies or guidelines that specify and offer different guidelines or clauses based on a specific social media platform basis (e.g. clauses tailored to Facebook and Twitter) are considered *heterogeneous*. Those that are generic, providing one policy or guideline to suit all platforms are *homogenous*. Additionally, policies or guidelines can be written so as to indicate social media is a *problem* to be managed or a *possibility* to be explored [2]. These differences are presented in a quadrant model classifying social media policy as having a *Bureaucratic foundation (Homogenous-Problem), a Branding foundation (Homogenous Possibility), a Disciplining foundation (Heterogeneous-Problem) or a Participatory foundation (Heterogeneous-Possibility)* [2]. This model will be used to classify the cases introduced in the paper.

2. Methodology

The research used an exploratory archival analysis based multi-case study [3], it allowed for cross case comparison, strengthening the insights gained from the research in comparison to a single case approach [4]. To complete the comparative document analysis the authors identified three suitable cases for analysis as part of the research via a purposive web search. Cases were restricted to non-profit organizations from the health and well-being domain, where a copy of their social media policy was available online. The sample was restricted further so as to feature one Australian based organization, one European organization, and one International organization. This criterion aimed at supporting the identification of similarities and differences that might be attributed to the relevant laws considered in devising the respective policies.

The search for cases uncovered two different approaches used by non-profits; some adopted policies and others used guidelines. The sample therefore includes both guidelines and policy to contrast these approaches to managing employee and volunteer use of social media by non-profit organizations. Inclusion of such polar cases supports comparison aimed at identifying emergent patterns [4]. This sampling approach is considered appropriate as the aim of the research is to develop insights into non-profit use of social media policy and guidelines rather than to test a theory; consequently a representative, generalizable sample is not required [4].

The selected case policies and guidelines were critically evaluated to identify the distinctions between policy and guidelines; the inclusions and gaps in each case; organization domain specific considerations and the relationship with policy/guidelines other organizational policies and the law. Alongside policy/guideline analysis, the authors reviewed the web and social media presence for each organization to identify the organizational context and to characterize their use of social media.

3. Policy and Guideline Case Analysis and Discussion

Three cases were selected for examination as part of the research: Lifeline, the Royal National Lifeboat Institution (RNLI) and the International Federation of Red Cross and Red Crescent Societies (IFRC). Lifeline is an Australian based charity that operates a 24 hour telephone and web chat crisis support service [5]. They use YouTube, Facebook and Twitter to promote their services, raise awareness about mental health issues, to support fund raising and to engage with the community.

The RNLI is a UK based charity. It supports a network of local UK organizations that provide services such as lifesaving and rescue and education and information about maritime safety [6]. Volunteers make up a considerable proportion of their work force. They use YouTube, Facebook and Twitter pages to engage with the community, raise awareness about their activities and services and to provide information to the public. Local organizations in the network may also maintain a social media presence.

The IFRC is a humanitarian network that links national Red Cross and Crescent organizations around the world as they provide health and wellbeing services to those in need [7]. They use YouTube, Facebook, Twitter, Google+ and LinkedIn to raise awareness and provide information and education about humanitarian issues, crisis, and the Societies' role in supporting those in need. Posts from or about local Red Cross and Crescent organizations are promoted as are fundraising and humanitarian initiatives. However, the IFRC primarily use LinkedIn to publicize job opportunities and requests for tenders for research programs.

A review of the social media policies and guidelines for the selected cases was conducted to classify the content into key areas of coverage. These areas included an introduction that explained social media and relevant terms, explicit guidance on appropriate and inappropriate personal and professional use of social media by employees and notes on branding including use of logos. However, areas specific to health and wellbeing organizations also featured, such as guidance on posts responding to requests for support and counseling, or posting about political or world events. The results of the policy and guideline classification are presented in the full paper.

The RNLI and IFRC tried to develop their guidelines using a *possibility* approach [2], recognizing the value that could come from promotion of the organization through personal and professional use of social media. The RNLI guidelines empowered volunteers to act by encouraging them to reflect on their use of social media and self-moderate. The IFRC guidelines also did this to a lesser degree. Thus, these policies fell into the *Branding foundation* quadrant of Klang and Nolin's model [2]. However, both guidelines veered into a *problem* approach [2] when discussing social media risks and how to manage them.

The Lifeline policy adopted a clearer *problem* approach, evidenced through a focus on management of use, the brand and discipline for misuse that was only tempered through brief encouragement of participation as long as it adhered to *guiding principles*. This approach indicated that a primarily *Bureaucratic foundation* [2] was adopted in writing the policy. All policies noted that the organization had a dedicated division or team of staff who focused on managing the official social media presence. All provided direct contacts for employees and volunteers to discuss social media with if they had specific questions or concerns. Much of the narrative around professional use focused on the need to be accurate and factual in official postings and on brand in all communications including the use of approved logos.

The IFRC guidelines stressed the importance of neutrality when discussing core business such as politically related events. This was echoed to some degree in the Lifeline policy and RNLI guidelines that discouraged specification of political affiliation.

Lifeline provided scripted examples of posts that could be tailored for use in specific instances on social media. These sample posts were for use in directing subscribers seeking counseling to contact the official help line or emergency services. Similarly, the RNLI provided some examples of what and how to post about services, even providing tips on how to boost subscriber engagement.

Interestingly, Lifeline and the RNLI had an explicit non deletion position advising staff that the integrity of social media was undermined if they deleted negative posts. This point shows considerable insight from Lifeline and the RNLI into the nature of social media and the potential backlash from the public if negative feedback is seen to be suppressed. Both guidelines indicated that posts should only be deleted in cases where the usage guidelines had been breached (e.g. discrimination). In such cases, Lifeline noted a staff member should contact the person concerned to explain the deletion whereas the RNLI suggested a sample statement advising that the post was inappropriate and had been removed.

Both Lifeline and the RNLI included points of caution relating to endorsement or advertisement of products or organizations. The RNLI guidelines cautioned that posting about partner organizations may be perceived by subscribers as advertising, which they felt may be off putting for some. However, Lifeline was specifically concerned with staff not appearing to endorse a business on Lifeline's behalf. While it has been addressed, both organizations would benefit from further detail to clarify the ramifications for employees.

Lifeline and the IFRC sanctioned employees posting the organization name as their employer in their personal social media profiles and all condoned staff posting about their work. However, they also suggested the inclusion of a disclaimer indicating that all views expressed were personal and did not reflect the organization. Interestingly, the Lifeline policy explicitly encouraged employees to re-tweet or re-post official Lifeline posts.

All three highlighted the need to protect professional confidentiality when using social media. Lifeline and the IFRC both promoted staff to be mindful of privacy protection, while only the IFRC made reference to IT security. All three also mentioned a process for reporting inappropriate posts from other staff.

The Lifeline policy was the only case where the process to be followed on detection of inappropriate staff use of social media was specified. The IFRC explicitly linked to their staff codes of conduct, employment handbook and IT use policy. Neither of the guidelines nor the policy explicitly identified the law that underpinned and related to the document. However, all included reference to common themes in employment law when specifying inappropriate use, including: a) Bullying, stalking and harassment; b)Hate speech, discrimination or other such inappropriate content; and c) Negative postings about the employer, the organization or fellow employees/volunteers

The RNLI was unique in providing a detailed section focusing on transparency of communication with children via social media. They referenced UK Government guidelines discouraging sharing or requesting information with or from children. Given that staff from all three organizations may interact with children online, this is a prudent and necessary inclusion. Aside from this reference to UK guidelines, no distinction between the cases could be made based on country of origin or international scope.

References

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