



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #21

REQUESTED ACTION: Discussion of a social media and digital communications policy for the New York State Bar Association.

Attached is a proposed policy relating to social media and digital communications. As noted in the attached document, the policy is designed to offer practical guidance for responsible, constructive communications via social media. Social media is defined in the report as follows:

Blogs, micro-blogs, Facebook, Twitter, LinkedIn, YouTube, wikis, social networks, social bookmarking services, user rating services and any other online applications, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other electronic communications platform.

The proposed policy includes sections about the following topics: (1) policy statement; (2) guiding principles; (3) transparency; (4) legal matters; (5) enforcement; and (6) definitions.

As described in the enforcement section on page 3, failure to comply may result in the following: (1) withdrawal (without notice) of access to information and/or information resources; (2) discontinuance of unauthorized social media accounts; and (3) disciplinary action in accordance with NYSBA bylaws and policies.

The report will be presented at the meeting on November 4, 2011 by David P. Miranda.

NYSBA Social Media and Digital Communications Policy

A. Policy Statement

The New York State Bar Association ("NYSBA" or "the Association") recognizes that the internet, electronic communications and social media are changing communication and information delivery. This policy is designed to foster responsible, constructive communications via social media for members of the Association.

This policy is intended to conform to the laws of New York State and the United States. It should be interpreted in a manner consistent with NYSBA bylaws and policies, including the Code of Conduct of the New York State Bar Association already in place. This policy also complements the Association's guidelines for use of bulk e-mail for communications to members. A separate policy for Association staff has been developed as an addendum to the Employee's Handbook.

B. Guiding Principles

1. Only those officially designated by NYSBA's executive director or his or her designee can use social media to speak on behalf of NYSBA, though any member may use social media to speak for themselves individually.

a. Those officially designated to use social media to speak for the Association are the Officers of the Association, the Executive Director, the Website editor and the Director of Media Services or his or her specific designee - an employee who is a direct report to the Director and who has received training on social media and media services.

b. NYSBA will maintain one official presence on any social media/social networking site and may, at its discretion, create subsites for various entities, such as Sections or Committees. Only NYSBA staff designated as social media administrators (the website editor and a designated staff member from Media Services) may create official NYSBA social media sites. NYSBA reserves the right to have any unofficial pages removed by the social media/social networking site.

c. The use of the NYSBA name, logo, trademarks or other branding elements on social networking sites is limited to NYSBA's official sites only; the NYSBA name, logo, trademarks or other branding elements should be added to such sites only by NYSBA staff designated as social media administrators. All use of NYSBA's name, logo, trademarks or other branding elements must comply with existing NYSBA graphic standards and trademark/service mark policies.

d. Sections and/or Committees may request staff liaisons to post social media communications on behalf of the group, but the liaison must first obtain approval from the Executive Director. The liaison will confine him or herself to posting only information specific to the Section or Committee to which they are

assigned as liaison and only to the social media accounts specific to that entity.

3. Misrepresentations made about NYSBA by media, analysts, bloggers or other social media should be brought to the attention of the Director of Media Services; the Director or the Director's designated representative will handle any response.

4. Guidelines for member use of various social media channels:

a. NYSBA trusts and expects members to exercise personal responsibility and to act professionally whenever they use social media in any manner related to NYSBA.

b. NYSBA members are encouraged to become fans or followers of NYSBA's social media vehicles. Members are welcome to comment using their own "handles" or accounts but should remember that they are being viewed in their professional capacity and should submit their comments accordingly and in accordance with the guidelines in this policy. NYSBA's Facebook page and NYSBA's President's Facebook page allow posting by officially designated staff members and accept comments from all users.

c. NYSBA members may send "friend," "follower" or "connection" requests to NYSBA's employees; members may confirm friend or follower requests from NYSBA employees at their discretion. Members should neither seek nor offer to provide formal personal recommendations on behalf of NYSBA staff on any social media site.

d. NYSBA's official social media presences reserve the right not to friend, fan, follow, like or link to any accounts for any reason.

e. NYSBA social media sites exist for the exchange of substantive, topical information by, between and for NYSBA members. Negative or harmful conduct is prohibited, including but not limited to flame wars, *ad hominem* attacks, advertising of any kind or any types of commercial solicitations. Members who choose not to abide by the guidelines in this policy and the previously established listserve guidelines will be removed from the listserves and may be restricted from participation in other Bar activities.

f. Listserves are one of the oldest forms of social media but they remain an important benefit of NYSBA membership. In addition to the Forum Guidelines currently in place, NYSBA listserve users are reminded that the terms of this policy apply to listserves as well.

C. Transparency

1. NYSBA encourages transparency and honesty in its activities. Members should use their real names in any social media communication that involves Association-related topics. The use of pseudonyms and aliases is not permitted for Association business.

2. Compensation and Incentives

a. NYSBA does not pay bloggers or anyone else outside of NYSBA to write endorsements or create fake social media communications.

b. NYSBA does not purchase inbound links, participate in link bartering exchanges and does not use the promise of inbound links to try to convince individuals to create positive social media communications about or on behalf of the Association.

3. Effectively managing and protecting NYSBA's confidential information is a critical responsibility for all members.

NYSBA's sections and committees draft documents for internal consideration and governance of those sections and committees and for the Association. They also draft statements, proposed rules and a wide variety of position papers, reports and other documents meant to influence a wide variety of people and interests.

NYSBA supports open communication, however, open communication must be balanced with the understanding that a draft that is still in the formulation stage has not reached a state where the group drafting the document has reached consensus on the position taken by the draft. It is contrary to an open and thoughtful deliberation process to post drafts in an area of the NYSBA website or elsewhere that is accessible to more than the immediate group drafting the document. In general, a group drafting a document should refrain from posting the internal deliberations, including drafts, in any public online forum or format.

D. Legal Matters

1. NYSBA members using social media channels with respect to NYSBA business are expected to do so without infringing the rights or property of others.

2. NYSBA members should not use social media channels to discuss NYSBA's legal matters, litigation, its financial performance or other confidential information.

E. Enforcement

Failure to comply with these social media policies may result in:

a. Withdrawal, without notice, of access to information and/or information resources.

b. Discontinuance of unauthorized social media accounts.

c. Disciplinary action in accordance with NYSBA bylaws and policies.

Appendix A - Definitions

1. Social Media Networks and Forums - Blogs, micro-blogs, Facebook, Twitter, LinkedIn, YouTube, wikis, social networks, social bookmarking services, user rating services and any other online applications, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other electronic communications platform.
2. Social Media Account - A presence or participation in a social networking channel.
3. Social Media Communications - Blog posts, blog comments, status updates, text messages, posts via email, images, audio recordings, video recordings or any other information made available through a social media channel. Social media communications are the information and data a user distributes through a social media channel, usually by means of their social media account.
4. Copyrights - Copyrights protect the right of an author to control the reproduction and use of any creative expression that has been fixed in tangible form, such as literary works, graphical works, photographic works, audiovisual works, electronic works and musical works. It is illegal to reproduce and use copyrighted material through social media channels without the permission of the copyright owner.
5. NYSBA-related Topics - Examples of NYSBA-related topics include news and information about our businesses, members, affinity partners, products and services, as well as the categories in which we compete.
6. Official Content - Content created and made available by NYSBA.
7. Inbound Links - An inbound link is a hyperlink that transits from one domain to another. A hyperlink that transits from an external domain to your own domain is referred to as inbound link. Inbound links are important because they play a role in how search engines rank pages and domains in search results.
8. Link Bartering Exchanges - Trading or purchasing inbound links from other domains exclusively for the purposes of lifting your domain in search engine page results.
9. Tweets and Retweets - A tweet is a 140 character social media disclosure distributed on the Twitter micro-blogging service. Retweets are tweets from one Twitter user that are redistributed by another Twitter user. Retweets are how information propagates on Twitter.
10. NYSBA Branding Elements - Branding elements refer to the name, logo, trademarks and other intellectual property of NYSBA.