

Social Media for Nonprofits

Keeping it Legal and Using it Strategically

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Social Media has profoundly changed the ways we interact with our constituents. But if we do not know how to use it wisely, at best it is of minimum use and at worst, it can harm our organization.

Topics

- Keeping it Legal
 - Policies you must have
- Strategic Use

SOCIAL MEDIA: KEEPING IT LEGAL

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Legal Issues

- Employment Decisions
- Who is Posting
- Copyright and Trademark
- Defamation
- Disclosure of Confidential Information
- Personal Use
- Electronic Discovery
- Personal and BYOD Issues
- IRS Issues

EMPLOYMENT DECISIONS

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Social media and employment decisions

- Employers may request access to potential employees' social media accounts, BUT
 - Need to document what they are accessing
 - Need to document why they need to access
 - Need to document how accessing (got permission)
 - Need to document why they are accessing
- Employers may require current employees to post with “qualifying statement” (my opinions are my own)

How do we keep it legal?

- Need to be careful about discrimination claims
- Need to be aware of employees rights to discuss terms and conditions of their employment (NLRB decision)
- Be aware of employees' free speech and privacy rights
- Be careful with recommendations (e.g. LinkedIn)
- Need policies on use in office, personal accounts vs. business accounts, etc. **BE CLEAR ON EXPECTATIONS**

WHO IS POSTING?

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Who posts on your organization's pages?

- Should only be one or two people
- Staff vs. Volunteers
- Must have staff oversight if using volunteers
- Need hierarchy of reporting (addressed later)

COPYRIGHT AND TRADEMARK

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What can be protected under copyright and trademark laws?

- Logos
- Text
- Videos
- Music
- Pictures
- Source Code
- Hashtags

How do we keep it legal?

- What type of content are you sharing?
- ***Know where your information is coming from***
- Don't use anything that might be owned by someone else without permission
- Screen potential content for ownership and privacy purposes
- ALWAYS credit the source
- OK to direct viewers back to original site
- OK to use the source's social media ID
- DON'T cut and paste from someone else's site
- Understand that just because something is posted on social media, that does not mean permission has been granted to use.

How do we keep it legal? (cont.)

- If necessary, pay license fee
- Understand and comply with terms and conditions of use for material that purports to be available for public use.
- *Handout- Fair Use*
- If you don't know who owns the information and can't or don't have time to find out, don't use it.

Rules for Music

- Need license to use
- License comes from publisher, label or artist
- Synchronization License-Videos
- Free Music Library-check terms and conditions

Protect your original material

- Mark it
- Claim it as original
- Request “Cease and Desist” if others use it
- Contracts for third party events

DEFAMATION

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Defamation

- Defamation is a false statement of fact that injures a person's reputation and exposes the person to hatred, contempt, ridicule or financial injury or impeaches a person's honesty, integrity, virtue, or reputation. It can also encompass the publishing of the "natural defects" of a person, thereby exposing them to public hatred, ridicule or financial injury.
- Can also include false statements about a business or product.
- Truth is a defense
- Different standards of proof for public figures

Why would I ever do that?

- Can be negligent
 - Posting to a small group of friends about a third party
 - Responding to comments
- Commingling of accounts (BYOD addressed later)
- Some law to support the idea that if you “like” a post on facebook, you are endorsing the post.
- Keep it positive
- Truth is a defense, but won't keep you from getting sued.

DISCLOSURE OF CONFIDENTIAL INFORMATION

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What is confidential information

- Anything your organization represents that it keeps confidential
- Anything that is proprietary or constitutes trade secrets
- Do you know what information your organization protect as proprietary? Donor lists? Client information? Other?
- Does your organization have an original way to reach funders/stakeholders?
- Pictures, especially of public figures, can be considered confidential
- Information about children/student information

Challenges

- See Challenges handout

How do we keep it legal?

- Check with ED to make sure you are clear on what can and cannot be posted (policy)
- When reposting, check site you are using information from to make sure it is not confidential
- Get permission to post names, pictures, especially children and public figures
- Location services, be sure you are not inadvertently checking in from a confidential location.
- Need checks and balances-someone other than person responsible needs to periodically review material posted

PERSONAL USE

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Monitoring Employees' personal social media use

- An employer cannot interfere with employees' rights under Federal or state law
- Includes rights of privacy and rights to discuss conditions of employment
- Can reprimand employees who disparage the organization under certain circumstances
- Can require employees to keep personal accounts separate and can restrict use of personal accounts during business hours
- Can set forth expectations regarding what employees post regarding organization and can ask that employees respect the fact that they represent organization
- Need to set clear expectations for volunteers as well-no linking accounts, no permission to publish on behalf of the organization.
- Employers have additional rights if employees are using their own devices for work.

Protections if you must have BYOD

- ***MUST HAVE A POLICY SETTING FORTH RULES***
- When can employer inspect device? Need to address and resolve privacy issues at beginning of employment
- How will employer assure that the device is wiped before disposed?
- Employer must have capacity to remote wipe devices upon separation of employment
- Store information in cloud, not on hard drive
- Need to define what type of consent to access
- Need written acknowledgement of which social media accounts belong to employer

IRS ISSUES

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What do employees on social media need to understand?

- Employees posting on social media need to understand 501(c)(3) restrictions
 - Political Activity
 - Qualified Sponsorships and Hyperlinks
 - IRS guidance: <https://www.irs.gov/charities-non-profits/advertising-or-qualified-sponsorship-payments>
 - Consistency with exempt purpose
 - UBIT
 - Charitable Solicitation Registration
 - Do you solicit through a website (or social media)
 - Are you specifically targeting persons in a particular state?
 - Do you receive contributions on a repeated basis from persons in a particular state
 - Do you receive contributions on a substantial basis from residents of that state?
 - Should probably register

RECORDS RETENTION

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Do I need to keep social media records?

- Social Media posts that bear on charitable purpose must be maintained just like written records.
- Need to include social media in any records retention policy.
- Social Media posts are discoverable in litigation to the same extent as emails and text messages so need to retain, especially if a dispute arises.
- Information is dynamic and content can be edited, even if post removed, someone somewhere might have screen shot, so need to keep records of what you do, especially if a mistake is made.

SOCIAL MEDIA POLICIES

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Privacy Policy

- Required under terms of use of many analytical tools (e.g. Google analytics)
- Must be posted on website and should be posted on social media pages as well.
- Provide notice of what data you are collecting, how you collect it, how you use it and whether you share it.
- Need to disclose use of cookies of applicable
- Need to disclose data collection tools and how the tools collect and process data

Privacy Policy (cont)

- Try to avoid too much legalese
- Do your followers know how you are using the data collected from them?
- How are you protecting data collected?
- *Handout with sample privacy policies from some nonprofit websites*

External Social Media Policy

- Policy for those who participate in social media interactions with your organization
- Sets forth what is appropriate and what is inappropriate
- Needs to explain consequences of violating policy
- Needs to be posted on website and shared on platforms
- *Samples:*
<http://socialmediagovernance.com/policies>

Internal Social Media Policy

- Policy for Organizational Posts
- Policy for Personal Use
- Sample Internal Policy handout

Organizational Social Media Policy Process

- Need to include ED, development and those responsible for posting in discussions.
- Need to discuss strategic use of social media (addressed later)
- *Handout: “14 questions to ask When developing your Nonprofit’s Social Media Policy” by Taylor Corrado and “10 Issues to address in your nonprofit’s social media policy” by Gene Takagi, TheNonProfitTimes 2014.*

Guidelines for creating Organizational Social Media Policy

- Must establish authority and control
 - Who can post
 - Hierarchy for problem and complaints
 - Oversight
- Define appropriate and inappropriate content.
 - Rules regarding nonprofits
 - Conflict of interest issues (real and perceived)
 - Copyright issues
- Set expectations and requirements for content
 - How often will you post?
 - What platforms will you use?
 - Are there areas that are off limits or confidential? Make sure everyone is aware of what those are.

Guidelines for creating Organizational Social Media Policy

- Define goals and measurements
 - What are you trying to accomplish?
 - Frequency, Content, Tracking
- Confidentiality Provision
- Rules regarding posting on third party sites
 - Can employees post on third party sites on behalf of organization?
 - Must abide by rules and conditions on sites
 - Post must be respectful and professional and posted in accordance with objectives and mission of organization
 - On what pages are you posting? Consistent with mission?

EXAMPLE

Aug 3, 2018

started 8 hours ago, [Kirsten Peterson](#) (0 replies)

[Board Nomination Processes - Need some insight](#)

1. [Hello! We have been working hard to improve...](#) Kirsten Peterson

started 2 days ago, [Guff Van Vooren](#) (4 replies)

[Request for Sample Program Committee Charters](#)

2. [Thank you for sharing this - very helpful as we...](#) Susan Thornton
3. [This may help too - after having so many...](#)  Kirsten Peterson

started 3 days ago, [Jenn Goldstone](#) (7 replies)

[Presidential Appointees to the board](#)

4. [Wow. I've done my fair share of nonprofit...](#) Robert Rainey

[top](#)

[next](#)

1. [Board Nomination Processes - Need some insight](#)

[Reply to Group](#)

[Reply to Sender](#)



Aug 3, 2018 3:10 PM

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Personal Use Social Media Policy Guidelines

- Carefully delineate between personal pages and organizational pages and public platforms
- Should be specific and should not infringe on employees rights
- Disparagement of products and services is different than disparagement of employer or workforce and different standards apply
- BYOD issues
- Personal and organizational accounts should not be linked

Personal Use Social Media Policy Guidelines(Cont.)

- Only employees with explicit authority to post on behalf of organization are allowed to do so
- Employees should avoid posting content that is contrary to the mission and work of the organization
- Employees are expected to be responsible, using common sense and good judgment
- Employees should not use identity as employee of organization when posting on third party sites, especially those that are outside of or contrary to mission of organization.
- Disclaimer on legal rights
- Consult HR professional or attorney

QUESTIONS?

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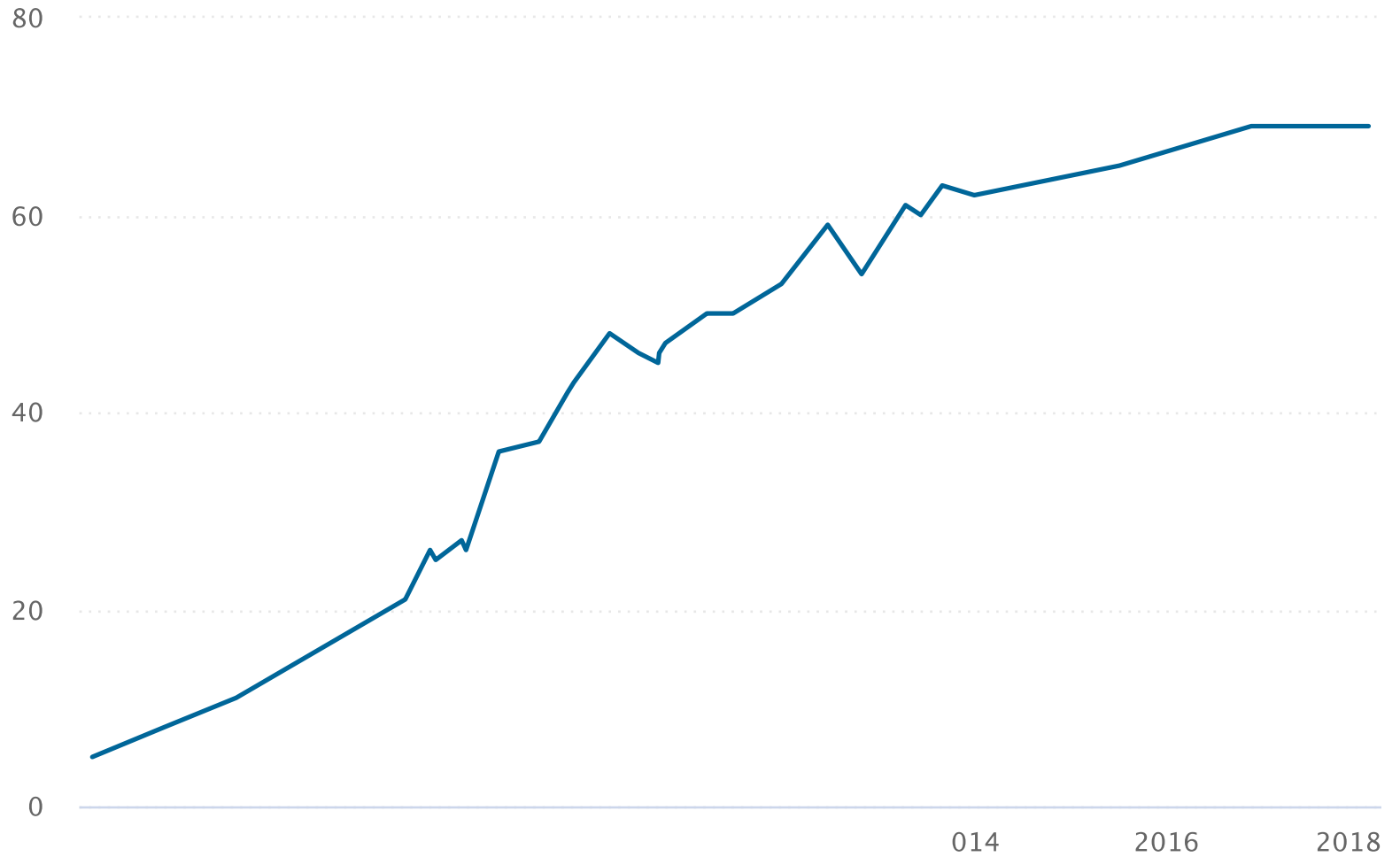
STRATEGIC USE OF SOCIAL MEDIA

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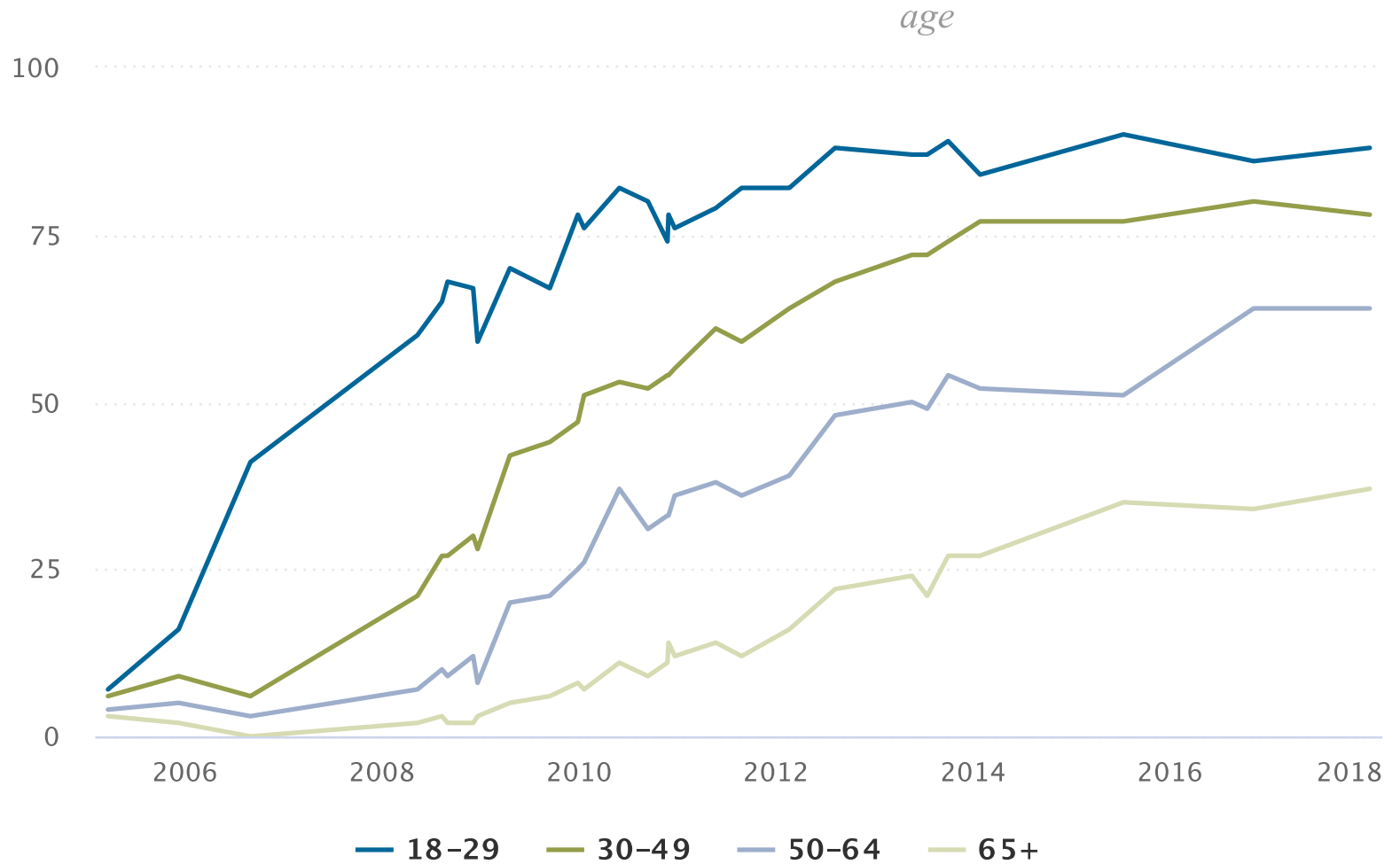
STATISTICS

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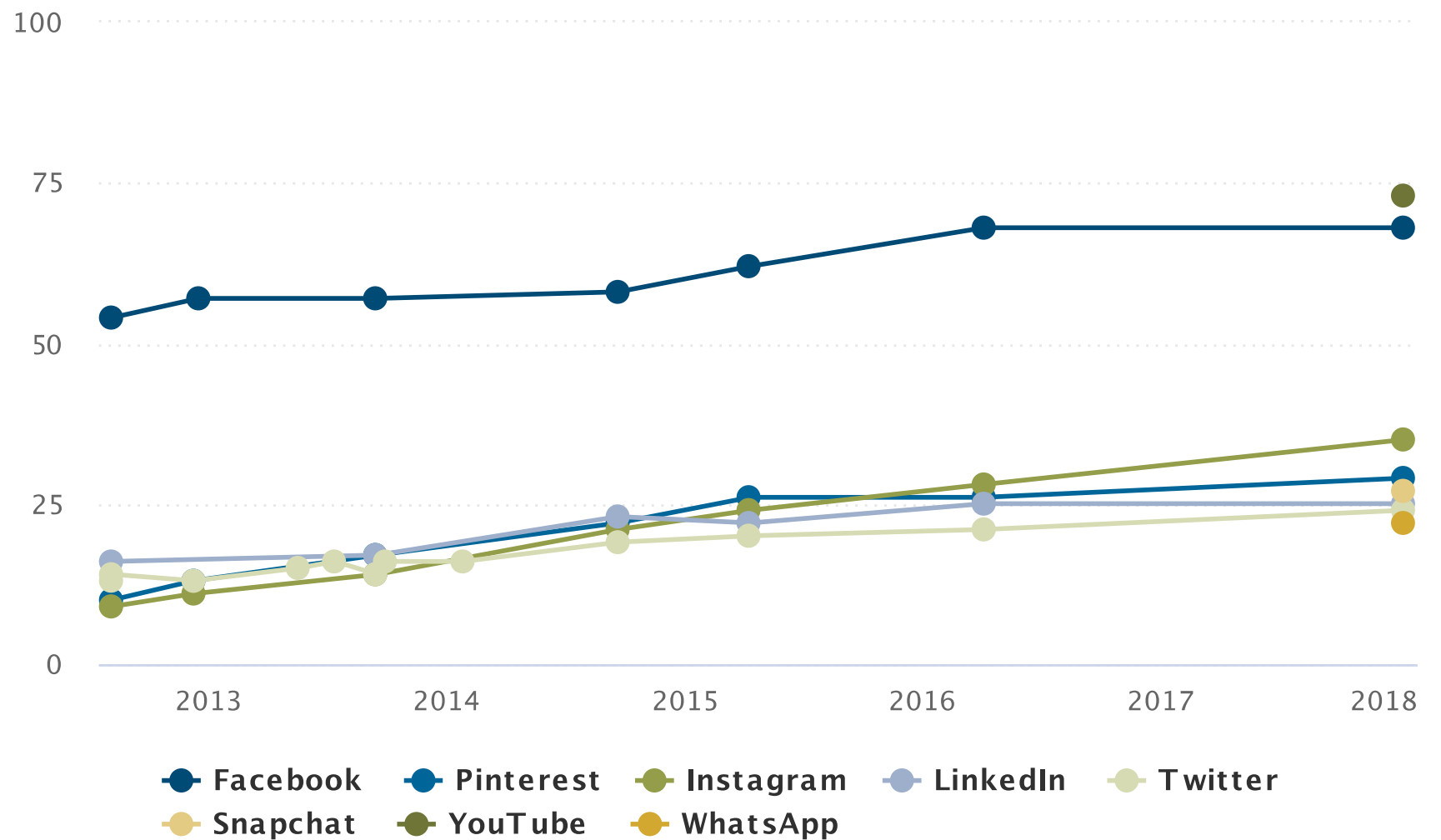


Source: Surveys conducted 2005–2018.
 PEW RESEARCH CENTER



Source: Surveys conducted 2005-2018.
 PEW RESEARCH CENTER

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Source: Surveys conducted 2012-2018.
PEW RESEARCH CENTER

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2017 Pew Research Center Social Media Survey*

(Usage among people who use the internet)



Facebook

Gender	Age	Location	Income	Education
68% of Men	18-29: 81%	Urban: 75%	<\$30K: 2017 NA	HS or less: 60%
74% of Women	30-49: 78%	Suburban: 67%	\$30- \$49.9K: 80%	Some college: 71%
Down from 2016	50-64: 64%	Rural: 58%	\$50- \$74.9K: 75%	College degree+: 77%
	65+: 41%		\$75K+: 77%	

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2016 Pew Research Center Social Media Survey*

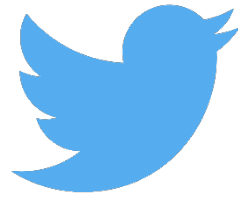


Instagram

Gender	Age	Location	Income	Education
30% of Men	18-29: 64%	Urban: 39%	<\$30K: 2017 NA	HS or less: 29% up
39% of Women	30-49: 40%	Suburban: 34%	\$30- \$49.9K: 32%	Some college: 36% About the same
Up from 2018	50-64: 21%	Rural: 25%	\$50- \$74.9K: 32%	College degree+: 42% Up 10%
	65+ 10%	Rural down, other up	\$75K+: 37%	

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2016 Pew Research Center Social Media Survey*



Twitter

Gender	Age	Location	Income	Education
23% of Men	18-29: 40% up	Urban: 29% up	<\$30K: 2017NA	HS or less: 18% down
24% of Women	30-49: 27% up	Suburban: 23% same	\$30-\$49.9K: 18%	Some college: 25% same
Close to same	50-64: 19% down	Rural: 17% down	\$50-\$74.9K: 28%	College degree+: 32% up
	65+: 8% down		\$75K+: 30%	

2016 Pew Research Center Social Media Survey*



Gender	Age	Location	Income	Education
25% of Men	18-29: 29% down	Urban: 30% down	<\$30K: 2017 NA	HS or less: 9% down
25% of Women	30-49: 33% same	Suburban: 27% down	\$30-\$49.9K: 13%	Some college: 22% down
down	50-64: 24% same	Rural: 13% down	\$50-\$74.9K: 32%	College degree+: 50%
	65+: 9% down		\$75K+: 45%	College degree up 21%

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2016 Pew Research Center Social Media Survey*



Messaging Apps

Snapchat, Pinterest, WhatsApp

Overall use is down

YouTube use is up

73% of people who use social media
platforms use YouTube

Case Foundation and Social Media for Nonprofits

2016 Survey

- 500 nonprofits surveyed to find out how they are using social media.
- Email and websites still rule-Why?
- About half had one or less staff member overseeing social media.
- About one-fourth had a team using a social media policy.
- About one-fourth reported they were “winging it.”
- Most used social media to announce events and activities and sharing “organization-centric” information.
- Of those that measure results, most use Facebook Insights.
- Most had no established benchmark for what an average engagement rate is.

Case Foundation 2017 Survey

- Millennial Impact Report

http://www.themillennialimpact.com/sites/default/files/reports/Phase1Report_MIR2017_060217.pdf

Why does this matter?

- Helps to understand the importance of social media vs. website.
- If you don't pay attention to demographics and analytics or you don't have goals and a strategy for your social media usage, what is the point?
- To strategically engage in social media, need to ask WHY, WHO, WHAT, and HOW
- Start with the WHY

WHY

- What is our mission and how can social media help us advance that mission?
- What are our objectives with respect to social media?
 - Mobilize stakeholders?
 - Engage stakeholders?
 - Build relationships?
 - Foster increased accountability and trust?

WHY

- Do you have a plan for social media?
- Do you have specific goals as part of your social media plan?
 - Are they measurable?
 - Do they relate to the mission?
- Are you trying to fundraise through social media?

Facebook Likes vs. Revenue

2016 Top Facebook Likes*

- 1. TED
- 2. UNICEF
- 3. NPR
- 4. PETA
- 5. (RED)
- 6. US Olympic Committee
- 7. WikiLeaks
- 8. Wounded Warrior
- 9. World Wildlife Fund
- 10. Invisible Children
- 11. PBS
- 12. Humane Society
- 13. Greenpeace
- 14. Focus on the Family
- 15. Human Rights Campaign

**Topnonprofits.com*

2016 Largest Charities by Revenue*

- 1. United Way Worldwide
- 2. Task Force for Global Health
- 3. Feeding America
- 4. Salvation Army
- 5. YMCA of USA
- 6. St. Jude Children's Research Council
- 7. Food for the Poor
- 8. Boy's and Girl's Clubs of America
- 9. Catholic Charities, USA
- 10. Goodwill Industries
- 11. Habitat for Humanity
- 12. World Vision
- 13. American Cancer Society
- 14. Patient Access Network Foundation
- 15. Compassion International

** Forbes Magazine*

Fund Development through Social Media

- Social Media cannot be used as a fund development tool in and of itself. Why not?
- NP fundraising is all about relationships. Have to build relationships to get buy-in, to raise money.
- Social Media can help you build those relationships if you use it correctly
- Winter 2016 NPQ Article by Chao Guo and Gregory D. Saxon “Social Media Capital”

WHY: Social Media Capital

- What is it?
- Social resources in your network that can be accumulated, mobilized and expended to achieve your mission and goals.
- How do we get it?
- Accumulate followers with whom you develop a relationship through a combination of:
 - Reciprocal following
 - Sharing and liking their messages
 - Mentioning and acknowledging them

Social Media Capital

- Track digital footprints of the relationship
 - Are your stakeholders responding to you?
 - Are they taking you up on invitations?
 - Are they sharing your message?
 - Is your circle growing?
- If the answer to any of these is “no,” you need to figure out why before you can move to the next step.
- You have to nurture your network **BEFORE** you can mobilize it.
- How?
 - Target Audience (the WHO)
 - Engage the Targeted Audience (dialogue, not megaphone)
 - Strategic Content (the WHAT)

WHO

- Who is your target audience?
- Probably need to do some research- need to cultivate a well defined audience
- What do you know about your audience?
- What do they value?
- What do they need?
- What do they expect from you?
- How can you find out?

WHO

- Are we using the correct platforms to reach our target audience?
- Are we using the platforms in a strategic way? (i.e. are we posting the same message across platforms?)
- Are we taking into account generational differences in communication style and expectations?
- Dialogue, not a megaphone
- Careful of form responses
- “thanks for sharing, what did you like about post?”

WHAT

- Content must also be strategic
- Must target key audience
- Must reflect what you want to organization to be (thought leader, community builder, innovator, etc.)
- Must bring VALUE to your audience
- Setting goals for social media will help guide the content (What do I want to accomplish, how can I craft a message that will help accomplish that goal.)

WHAT

- Make it a conversation (John Hayden says that posts that end in a question mark generate twice as many likes, comments and shares)
- Don't miss an opportunity to be a thought leader on issues that affect your mission (you don't have to be organization centric)
- Track results. If you are not getting many likes or shares, reach out to followers to find out why.
- Creatively and dynamically update your publics. Seek their input.
- Create connections to purpose-like, share, comment, repost, mention, link posts from others that advance your purpose.

WHAT

- Some things must be aligned: logo, brand, mission
- Lessons from the election
 - Trump vs. Hillary on Twitter
- More is not always better
- Creative and provocative get more responses

HOW?

- Must have a plan
- Include all departments in planning process- make sure everyone knows what is going on in social media and get input from everyone when setting goals and identifying target audience
- Listen to your stakeholders
- Set goals that are understandable and advance the mission

HOW?

- Measure outcomes regularly
- Analyze your audience
- Plan needs to include how to engage audience in dialogue
- Craft messages that are intended to elicit response from targeted audience
- Once audience is fully engaged, use that social capital to motivate them to act.
- Invest resources!!

A note about analytics tools

- Find tools that capture the metrics that you want to measure.
- SocDir.com is a comprehensive source with more than 300 social media metrics tools with ratings.
- Decide whether you want to measure ongoing activity or activity within a specified time.
- Understand what you are measuring and how that information will help you achieve your goals.
- Set a baseline for what you expect to achieve and measure against that.

A few practical tips

- Share the load: if possible, take a team approach.
- Create an editorial calendar that requires every member of the team to submit input regularly
- Choose topics in an advance planning session
- Photos, videos and infographics do lift engagement, but make sure everything you post is consistent with your goals
- Make sure your website and newsletters are mobile friendly

Sources

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