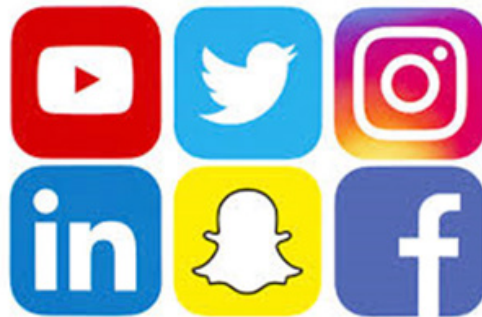

THE CSEA ACTIVISTS' GUIDE *to* SOCIAL MEDIA

*How to Use Social Media Responsibly for
Your Local and/or Unit*



Every day, people in communities throughout the State discuss issues that affect CSEA and its members in online conversations. The CSEA Activists' Guide to Social Media has been developed to help educate and empower our activists to participate in online social media in a responsible way, represent CSEA, and share accurate, timely information about our organization. It is prudent for CSEA Activists to be aware of some of the legal implications and risks of engaging in social media.

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CSEA'S Activists' Guide to Social Media

Purpose and Scope of the Activists' Guide to Social Media

Social media is transforming the way we communicate both inside and outside the workplace. CSEA activists may find themselves “representing” CSEA in online communications. While using social media platforms such as Facebook, YouTube and Twitter may provide an easy, inexpensive way to communicate information to our membership, doing so comes with an obligation to speak ethically and responsibly without incurring organizational or personal liability unnecessarily or unknowingly. The ease of utilizing social media and the speed at which items are posted greatly enhance the potential for damage. Just as with traditional media, when utilizing social media we have the opportunity and obligation to comment responsibly to guard against potential liability.

What is Social Media?

Social media sites are powerful networking tools that allow you to stay in touch with your union sisters and brothers, as well as share your stories with the world in real-time. Social media sites include Facebook, Twitter, Instagram, YouTube, and LinkedIn. CSEA also has its own member exclusive app called My CSEA, which is designed to give CSEA members access to various benefits, discounts, news and events, and much more. The My CSEA app is available for both Apple and Android devices. Here are some simple instructions for how to get started with some of the most popular social networking sites.

Benefits of Using Social Media:

- The numbers don't lie. More than four out of five Americans use social technology and more than two-thirds of the global internet population visit social networks. In fact, it accounts for thirty percent of all internet time.
- Reaching Younger Members. Social media is a great tool for interacting with local union members, and a tool you will need to use if you want to communicate with younger members of your Unit or Local.
- Union engagement in social media can enhance public perception of labor.
- Social media provides a relatively low-cost, timely method for CSEA to communicate with members and expand union power by keeping members informed.

Social Media Considerations for Your Local/Unit:

⇒ **Will** your Local or Unit utilize Social Media?

The first question that needs to be tackled is fundamental – whether your Local or Unit even desires to use social media as a communication tool for your membership. For the reasons discussed below, utilizing social media will require an individual or individuals to regularly monitor and manage the social media site.

⇒ **What** Social Media will be used?

The next step is to figure out what social media sites your Local or Unit will utilize. Again, this is a question that needs some thought and consideration, a thorough understanding of what types of social media platforms are available, and how you will be able to use them effectively. For the reasons discussed elsewhere in this guide, each social media platform provides unique opportunities and functionality that you need to be mindful of.

⇒ Who will **manage** the content posted on the social media site?

It is critical to designate one or two administrators in your Local or Unit to manage the content that is posted on your social media site. This individual should ensure that all information that is posted is current and accurate. This individual should treat what is posted just as they would when publishing a union newsletter. Once someone posts information, it is, in theory, published for anyone to see.

⇒ Who will **monitor** the content posted on the social media site?

Some social media pages or sites such as Facebook and blogs allow followers to comment or post responses to others' postings. It is critical to appoint one person in your Local or Unit to regularly (daily) ensure that the posts comply with copyright and other legal requirements discussed in more detail below.

⇒ **What** kinds of items are appropriate for the site?

Use your page or site to announce local meetings, events, call attention to website updates, let members know when CSEA is in the news, when CSEA's issues are mentioned at the legislature, how members can become more involved with CSEA, etc.

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Legal Risks Associated with Using Social Media

It is important that all CSEA activists are aware of the implications of engaging in forms of social media and online communication that reference CSEA and/or the activist's relationship with CSEA, and that all activists recognize when they, as individuals, and/or CSEA might be held legally responsible for their conduct. There are a variety of legal issues to consider when social media is used to communicate CSEA-related business, including copyright, trademark, and defamation.

DEFAMATION:

- ⇒ By definition, defamation is an attack on a person's good name, character or reputation.
- ⇒ Defamation can take one of two forms: slander or libel. Slander applies to oral statements and libel applies to written statements.
- ⇒ The elements of proving a case of defamation include:
 - A false and defamatory statement of fact;
 - Regarding an identifiable individual;
 - Which is published to a third party; and
 - Results in injury to the person.
- ⇒ If the party being written or spoken about is a public official, a higher standard of proof is needed to establish malice.
- ⇒ The consequences of losing a defamation case could be very costly. CSEA and/or the individuals posting defamatory statements on social media sites may be subject to sizeable penalties and other costs.
- ⇒ To protect CSEA and yourself on social media sites from defamation liability, you must discourage and immediately remove potentially defamatory or libelous statements on all CSEA-affiliated sites.

TRADEMARK INFRINGEMENT:

- ⇒ A trademark is a distinctive sign (name, logo, phrase, and symbol) used to identify a product or service and to distinguish that product or service from others.
- ⇒ Trademark infringement occurs when someone uses a third-party logo or trademark without permission from the trademark's owner.

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COPYRIGHT INFRINGEMENT:

- ⇒ Copyright infringement occurs when someone posts another person's content without the content owner's permission.
- ⇒ It exists the moment the original work is created in any tangible form.
- ⇒ Copyright owners have the exclusive right to copy, distribute, display, and publicly perform their work.
- ⇒ Permission must be obtained prior to CSEA's use of third-party text, music, photos, video, or other original work on its website or social media site.¹
- ⇒ Where CSEA has not obtained permission to use copyrighted material, the website or social media site must provide a link directing the viewer to the owner's website.
 - A signed release **must** always be obtained from speakers and/or presenters prior to the use of photos, videos, or audio for publication in both print and electronic form.
- ⇒ **Practical Tip:** You must respect the rights of copyright owners when posting social media content on your social media sites. Do not allow others to reprint whole articles or publications on CSEA-hosted social media sites without first receiving written permission from the publication owner.

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) AND TAKEDOWN NOTICES:

- ⇒ Websites, blogs, or social media sites hosted by CSEA may allow members and others to post comments or other content to the site. This is different than a CSEA-operated website where CSEA maintains complete control over the content that is displayed. Pursuant to the Digital Millennium Copyright Act ("DMCA"), CSEA is considered to be an online service provider ("OSP") when it hosts or operates a page on a social media site. In a general sense, this protects CSEA from liability when other people post information on CSEA-hosted social media sites that violates copyrights. However, the individual who posts the material is still liable for the content of their posting(s).
- ⇒ As an OSP, CSEA is **required** to take down the allegedly illegally posted material where a take down notice is sent from the copyright owner.
 - For example, on a CSEA-hosted website page, a CSEA member copies, rather than links to, the entire article written by a columnist that was in the New York Times. The New York Times learns of the illegal posting of its copyrighted material and sends a letter to CSEA, asking CSEA to remove the offending material.
- ⇒ CSEA, its Locals and Units must regularly monitor (daily) their social media sites to ensure they do not violate the copyright law. Any questionable material should be taken down.

CONFIDENTIALITY AND PRIVACY CONSIDERATIONS:

- ⇒ CSEA activists must always take caution to ensure that social media posts do not reveal non-public, confidential information about CSEA-related business or its members.

¹ The Fair Use Doctrine allows limited use of a copyrighted work for purposes such as news reporting, teaching, scholarship and research.

Tips for Engaging Social Media Responsibly:

To avoid the legal risks addressed above, remember:

- Express your opinions about positions rather than about people.
- We all leave a digital footprint. This is true long after you have hit the “delete” button on your computer or smart device. You are never anonymous when using electronic communication – you and your comments can be traced.
- Make sure Local and/or Unit websites or social media sites are regularly updated with timely, accurate, and relevant information.
- Even on social networking sites with privacy settings, statements can easily be passed on to others.
- Private emails can be used in defamation cases, so be careful what you write and to whom you send emails.
- Avoid posting unsubstantiated rumors.
- Be sure of what you have to say and be cautious about what you say.
- Approach the online social media world in the same way you do the physical one: by using sound judgment and common sense.

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Popular Social Media Sites & How to Use Them:

Platform	Controlled by a Third Party?	What is it?	Ideas for Use	Cautions
<p>FACEBOOK</p>	<p>Yes</p>	<p>Facebook is a free social media networking site where you can share photos, links, video and status updates. Facebook may help you build union awareness and engage your membership.</p>	<ul style="list-style-type: none"> • Create a Facebook Fan page or Group to keep your members updated on the latest information about your Local/Unit (for example, Local ABC Fan Page). 	<ul style="list-style-type: none"> • Facebook and other social networking sites are good for engaging your membership in a daily, conversational manner, but websites are still better for providing resources, materials, and contact information. • Additionally, “profiles” are used to affiliate with individuals and should not be used to conduct CSEA-related business. You will want to create a fan page or group page to address your membership. • These days Facebook is full of advertisement possibilities. However, just as with Local websites, no CSEA-hosted Facebook page may have paid sponsorship or present any kind of paid advertisement. • Be sure to carefully review Facebook’s Terms of Service Agreement before getting started with a Facebook account.

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INSTAGRAM	Yes	Free photo sharing website.	You can upload photos and link them to other social media accounts such as Facebook.	<ul style="list-style-type: none"> • What you post is a reflection of CSEA. • Any time you upload material to a photo-sharing website such as Instagram or Flickr, you must prevent unauthorized use of your photos by indicating the following copyright information: "All photos copyright CSEA Local 1234, 2018" or have that information somewhere on your Flickr page. • Be sure to carefully review Instagram's Terms of Service.
TWITTER	Yes	Communicate and stay connected through the exchange of quick, frequent messages, similar to text messaging. Uses short updates called "Tweets" of 140 characters or fewer.	<ul style="list-style-type: none"> • If you select the "Protect my updates" box, people won't be able to read your Tweets unless you authorize them. • Can be extremely effective during mobilizations and informational demonstrations, particularly when you have groups of members coming to one place from several different areas. • Can also be used as an additional "union bulletin board" in the workplace, to help shop stewards and grievance representatives quickly spread information through their networks. 	<ul style="list-style-type: none"> • Your Unit/Local will need to decide who is going to manage the union's Twitter account. • If your updates are public, be very careful what you tweet. As stated above, we must always ensure that our tweets or posts are accurate, not misleading, and do not reveal non-public information about CSEA. Otherwise, you may unnecessarily incur personal or organizational liability. • Be sure to carefully review Twitter's Terms of Service Agreement before getting started with a Twitter account.

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YOUTUBE	Yes	<p>YouTube is a free online network where members can watch, share, and search through thousands of videos.</p>	<ul style="list-style-type: none"> • Upload videos, choose favorites, subscribe to videos that are related to a specific topic, or add friends for easier sharing. • Provides a way to share union events and actions easily. 	<ul style="list-style-type: none"> • You must ensure that you comply with all copyright and trademark rules when posting content on YouTube. When in doubt, do not post. • YouTube videos may be seen by many viewers, depending on what control settings you use for the video in your YouTube account. • Any actions in a video directly affect how viewers will perceive CSEA. • You can decide who, if anyone, can view, comment on, vote for or share your video. • Be sure to carefully review YouTube's Terms of Service Agreement before getting started with a YouTube account.
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FLICKR	Yes	Free photo-sharing website allows you to store unlimited photos.	<ul style="list-style-type: none"> • Easily link photos and photo galleries to blog posts, websites, Facebook and other social media sites. • An easy and inexpensive way to share photos from events, rallies or other similar union gatherings with your membership. 	<ul style="list-style-type: none"> • What you post is a reflection of CSEA. • Anytime you upload material to a photo-sharing website such as Flickr or Instagram, you must prevent unauthorized use of your photos by indicating the following copyright information: "All photos copyright CSEA Local 1234, 2018" or have that information somewhere on your Flickr page. • Be sure to carefully review Flickr's Terms of Service Agreement before getting started with a Flickr account.
Local Websites	No	A website is a collection of related web pages containing images, videos or other digital assets. A website is hosted on at least one web server, accessible via a network such as the Internet or a private local area network through an Internet address also called URL.	<ul style="list-style-type: none"> • Websites are strongly encouraged as the preferred method to keep members up-to-date on news, activities and union information. 	<ul style="list-style-type: none"> • Information posted on the website must be accurate and timely. • No CSEA website may have paid sponsorship or present any kind of paid advertisement.

SOCIAL MEDIA – BEST PRACTICES GUIDE FOR CSEA ACTIVISTS

- ⇒ **Think before you post:** When commenting or posting in the online social media community, remember to stop and think before you post. When commenting on non-CSEA related issues as an individual, be sure that it is clear that the opinions expressed are your own. However, if you are posting or speaking about CSEA-related business and you are authorized to do so, you must disclose your affiliation with CSEA.
- ⇒ **Do not disclose confidential or private CSEA-related information:** Remember that once information has been posted on a social media site, you cannot ensure who the readers will be or who the information will be forwarded to. Therefore do not assume that confidential information will be kept only between you and your online “friends.”
- ⇒ **Protect yourself:** Be careful about what personal information you share online.
- ⇒ **Be aware of defamation:** This caution applies whether you are commenting personally or as an agent of CSEA. You are cautioned to avoid statements that may be interpreted as defamatory. Defamation liability is very real and very costly.
- ⇒ **Be aware of copyright limitations:** Do not post information on your social media site without first receiving written permission from the publication owner.
- ⇒ **Know that the internet is permanent:** Information published online is part of a permanent record. That means that even if you remove, delete or alter particular content later, the original content is still somewhere on the internet. In addition, information posted on a social media website is likely discoverable in a lawsuit.
- ⇒ **When in doubt, do not post:** Individuals are personally responsible for their words and actions. You must always ensure that your posts are completely accurate, not misleading, and that you do not reveal non-public information.

While this is not an exhaustive list of best practices, remember to use *common sense* when using social media. If you would not say particular content to someone in person, or want it said about you, then you should not post that same content online.

NOTES:



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