

# 2

## ETHICAL AND LEGAL FUNDAMENTALS IN SOCIAL MEDIA

Learning Objectives

Introduction

Humans of Social Media

What Is Ethics?

*Additional Ethical and Legal Consequences and  
Challenges*

Legal Fundamentals

*Employees and Personal Branding Mishaps*

Ethical and Legal Best Practices in Social Media

Chapter Summary

Thought Questions

Exercises

References

### INTRODUCTION

---

To succeed in social media, we need to be aware of the underlying legal and ethical implications that guide our practices, communication efforts, and behaviors online. You may ask, “Do I really have to understand law when it comes to social media?” More than you might think. Law is a moving target—as platforms evolve, the law slowly but surely follows with new rules and regulations. It is important to understand the law to navigate the growing changes and expectations arising online.

This is true for ethics as well. You need to understand ethical practices in social media and the importance of applying those practices in your day-to-day interactions online. Many professionals face these questions in the social media field—make sure you know how you will answer and act on these questions:

- Do I care if people search previous updates (pictures, messages, blog posts, etc.) to use for job interviews?
- Do I understand the legal implications for sharing misinformation on my channels?

### Learning Objectives

After reading this chapter, you will be able to

- Define ethics and construct your own ethical standards for social media
- Recognize the legal and ethical consequences and challenges social media raises
- Explain key ethical and legal principles for establishing a social media policy
- Understand the ethical and legal best practices to work in social media

- Do I know (and understand) all of the terms of service (TOS) for the platforms I have a presence on?
- Do I understand what I have been willingly giving brands and platform companies over the years in terms of my personal information?
- Do I know the best practices of uncovering what is real or “fake” information being circulated on social media?
- Am I aware that while I have my account settings set to “private,” they really are not?
- Do I care if I send out a tweet, story, or snap that may look “cool” online with my friends but could reflect poorly on the organization or company I represent?
- Have I assessed the risks associated with posting controversial content?
- Am I aware of the consequences of posting information that may not be true or may be misleading?
- Do I know the risks and challenges associated with the social media platform algorithms?
- Do I know what I need to do in case someone uses my profile picture to create a fake account?
- Do I know how to identify real versus fake accounts before engaging with them on social media?
- Am I aware that an update made in a spark of emotion or outrage could cause me to get suspended from my job, miss out on a job opportunity, or even get fired?
- Do I understand the impact of sharing my opinion online for the world to see, and do I understand the community, professional, and global implications toward my personal brand?
- Am I aware of the power (and risks) associated with saying something online and the effects it may have on another person?

You may be wondering how this all pertains to social media and being online. The answer is simple: Social media is not only about building an online brand, establishing paid ads or sponsored posts to generate buzz online, or even setting up a place to tell your own story. All of these are important, but fundamentally, social media is about being “social.” Being social means establishing and maintaining relationships. It’s an art form in itself, since users must be skilled at navigating their various relationships with colleagues, friends, peers, and community members. Relationships have layers (like onions from the movie *Shrek*); these layers are complex and constantly evolve from experiences. People have expectations when it comes to social media from a communication standpoint and how we should operate and present ourselves. Issues arise when users’ expectations for the brand or profession are violated online. A lot of ethical issues could be addressed if people were aware of how their actions and behaviors might be perceived. Essentially, what we say and stand for online must be supported by our actions.

When it comes to social media ethics, it is very easy to talk about being professional, but it's a skill to consistently act ethically. This builds trust, which is earned over time. One incident can change someone's opinion of you as a person. Ethics and professionalism are at the forefront of the profession and the curriculum across various disciplines, but we are still facing an uphill challenge in teaching others how to be proactive members of society on social media.

## **Dr. Chris Yandle, Communication Specialist at St. Tammany Parish Public Schools**

### **Introduction**

If there were a modern definition of “nomad,” I seriously might be it. I spent more than 15 years in college athletics at six NCAA Division I institutions—Southern Miss, Louisiana-Lafayette, Marshall, Baylor, Miami, and Georgia Tech. During the latter part of career 1.0, I had one foot in academia and the other foot in college athletics. It was my time in the classroom at both Baylor and later Kennesaw State where I realized my calling might be in the classroom. After being accepted into the Ph.D. program at Mercer, I was let go from my job at Georgia Tech, effectively ending my college athletics career. Now, I have a normal 9-to-5 job as the social media and digital media strategist for one of Louisiana's largest public school systems, and it has been the most rewarding thing I've done in a very long time.

### **What is your favorite part of working in your area of expertise in social media?**

My favorite part of working in social media is definitely the creative and planning process. Many don't like planning in social media, and their idea is to post when things come up. I like looking two, three, four weeks in advance and planning for content so that we can be flexible in curating spontaneous content or sharing immediate stories that don't require days of video editing. Planning content

allows us to be more “in the moment” than most people realize.

### **What is one thing you can't live without while working in social media?**

Aside from an endless supply of iPhone cords or extended batteries, my answer is buy-in. Buy-in from the top and other outward-facing departments that social/digital touch. You can have the greatest content and a closet full of phone batteries, but if the powers that be DON'T GET “IT” or BUY YOUR “WHY,” then what's the point? I assure you many people will disagree with me, but I don't 100% believe that social media is a necessity for everyone. For example, only a handful of public school districts here in Louisiana are active on social media. What does that say? It says not only do these districts not have the people resources, the time resources, or the financial resources, it also means it's not a necessity for them. YOUR WHY cannot be “because everyone else is doing it and they have 10 people posting social media content all day.” That's not a strategy, nor is it a reason why to do something.

### **What is your favorite social media account (person/brand/etc.) to follow and why?**

My feet and interests overlap into so many areas that I don't have one person above all

*(Continued)*

(Continued)

to follow, but I have a favorite in different areas.

- Overall Branding/Thought Processes. This one is a tie between Gary Vaynerchuk (@garyvee), Jon Acuff (@jonacuff), and Simon Sinek (Facebook). Gary provides a refreshing view at things I've believed or things that I didn't understand. Simon and Jon's ideas of knowing your why have helped me to where I am today and as I am trying to look towards the future.
- Sports Media. My friend Jessica Smith (@warjesseagle) on Twitter. I think her thoughts transcend sports. What she offers is applicable to other industry across the country.
- Higher Ed Academia. Here, I suggest (aside from this book's author, of course) Dr. David Ridpath (@drridpath) and a nonacademic, ESPN's Jay Bilas (@jaybilas). Both on Twitter. Really and selfishly for me, I mention these two because they played a vital role in my Ph.D. dissertation on the lived academic experiences of NCAA Division I football student-athletes.
- Leadership. @KevinDeShazo on Twitter. Kevin gets it. I had the opportunity to meet Kevin when he was launching his social media education firm, Fieldhouse Media, and we've since become good friends. He was in the corporate world and what he learned there has been applied to his new venture, Fieldhouse Leadership.

- General. @thedogist on Instagram. My reason is simple: I have two dogs and I am a dog lover. Most days, this account makes me smile and changes the course of my day.

### **What is the most challenging part of working in social media?**

We are in the throes of a serious nuclear arms race in the sports digital space. College teams are trying to one-up each other with graphics, video presentations, and content because it all ties back to recruiting kids. It's not necessarily about the fans anymore, and the media are a distant afterthought on social for many schools. I think schools are losing sight of what's important and instead are looking to be the next viral sensation.

Again, maybe I'm sounding like that old guy shouting "GET OFF MY LAWN" at the neighborhood kids, but I feel for some in the business, social is all about getting clicks and clickbait headlines. There's more to life than retweets, new followers, and mentions. There are bigger picture things, bigger than us, that we should focus on and use social media as the avenue to achieve those big picture ideals.

### **What do you wish you had known when you were starting out?**

Control social, don't let social control you. We have an amazing power in our hands with our phones. We are creators and inventors. We have the power to build people up or tear people down. I think it's a power that many don't know how to use effectively. Use social media for the common good and to make a positive difference in the world. Don't let the faceless and nameless egg avatars control how you feel. That's been my biggest struggle and it continues to affect me today because I let it.

*Dr. Chris Yandle is a K-12 communications professional and a recovering college athletics administrator. You can follow Chris on Twitter, @ChrisYandle.*

## WHAT IS ETHICS?

---

**Ethics** is a set of moral guidelines and principles that influence our behaviors and interactions. Having a set ethical code of conduct is essential when exploring how to react and respond to various situations that may emerge when we are working in social media. These guidelines help us tell the difference between what is wrong and what is right. Most of the time, people have a set of values that they hold dear and feel are important for them to follow. These ethical principles can be personal behaviors and actions, but they also translate into professional circles. All professional organizations (advertising, public relations, marketing, journalism, communications, and additional disciplines) have a professional code of ethics for members to follow when they are working and practicing in the field.

Social media professionals may face a variety of different situations while they are employed for a large corporation, media outlet, agency, or consulting firm, or even when they are part of an organization (e.g., student athletes). Access to information pertaining to personal accounts on social media sites has been discussed in the online community as well as in the court of law.

Certain behaviors are not universally accepted when it comes to social media professionals. Steph Parker (2013) discussed some of these “new deadly sins of social media.”

*Misappropriation.* This particular sin focuses on the timing and appropriateness of jumping into a conversation that is not entirely relevant or necessary for a brand. It is all about understanding the overall context of the situation and determining whether or not you are able to be part of the conversation. For example, some brands have gotten mixed reviews on when they have (or have not) commented on various topics ranging from global pandemics (e.g., COVID-19) to social issues (e.g., racial injustice cases) to security and privacy issues for conversations on certain platforms (e.g., recording conversations and downloading contacts from Clubhouse) to leadership concerns (e.g., Wells Fargo and Tesla). It really comes into play when brands try to jump on board with a trend (**trendjacking**) on social media. The trends can be viral, such as Running Man and Crying Michael Jordan memes, among others, but there is a time and place for brands and professionals to promote themselves. This is especially true when the trending topic focuses on an emotional situation (e.g., insensitive tweets by Gap during Hurricane Sandy or by Epicurious during the Boston Marathon bombing) or global trending topics (e.g., elections, competitions, and other newsworthy events).

*Abandonment.* As mentioned earlier, social media is about the conversation, and you can't have success with a community if you are not actively participating in the community. Social media communities need to be built as well as maintained. Brands, organizations, and professionals must decide which platforms to be on and how invested in these platforms their communities should be. The worst thing that can happen is to jump on board a platform and then leave it before it can really be embraced. Abandonment is an extreme case, but the point is to make sure you are using a particular platform for the conversation and community. As they say, if you build it, they will come. However, if you leave, so will your community.

*Manipulation.* There is a time and place to ask your community to take action to support a cause, share a post or update, or even help another member of the

community. Yet social media is not the place to ask your community to reach a certain number of followers so you can get paid more for speaking opportunities, which is sometimes seen in the professional social media circuit. The ultimate goal is to be yourself and present your brand in the most authentic way, and that comes from not using cheap tricks and measures to generate a false view of who you are. Be willing to share content that is relevant with your community, but respect the fact that people may or may not be influenced by what you ask them to do. That comes with trust, credibility, and a relationship.

On the flip side, you do not want to manipulate or present a false sense of community or success by using services to make it appear like your account or campaign is successful when in reality, it is not. For example, some businesses set up click-through sign-ups for a charity or donation or falsely promise to take action if you get a certain number of likes or comments/views.

*Ignorance.* The topic of ignorance comes with a lot of components to address, and it's important to highlight the ones most at risk of being committed by social media professionals. There is the ignorance of basic terms and practices in social media. Be aware of the main terms, jargon, and legal obligations for social media practices (e.g., asking permission to use a tweet or image for a story, or to livestream a college football game knowing you are in violation of TV rights). This goes back to knowing the Federal Trade Commission (FTC) guidelines as well as terms of service for each platform you are using for your social media practices. Then, there is the ignorance of not seeing what your community members are sharing and thus failing to respond to them. With no engagement or interaction from either side, there is a risk to the overall health of the community on social media. If people feel ignored, they will go somewhere else. View exchanges and questions not as threats but as opportunities to learn how to improve.

*Monotony.* Passion is a great element to connect audiences on social media, but social media professionals do not want to push the same content over and over again. Content needs to be fresh, relevant, and tied to the audience's needs and expectations. These needs and expectations change over time. Keeping a constant pulse on what is happening in the community and among the different audience groups is critical. Audiences do not want to receive updates sharing "Like our page" or "Tag three people to win this contest" because businesses and brands have been using these tactics on social media since the beginning. They want to be entertained, inspired, and motivated to share because the content they see connects with them on an emotional level. Although it can be challenging for brands to recognize, this is how audiences are presently operating, and it is going to take more time (and investment) to bring forth creative and fresh new pieces of content online. Continuing to push the same content to audiences is no longer going to cut it in the digital first world.

*Narcissism.* Since social media is public, what you share with the world is for everyone to see. Essentially, you are what you share, so make sure to keep that in mind. I am holding the mirror up to some of the popular influencers and creators, such as Kendall Jenner and James Charles. There is a time to personalize your brand, but you do not want to spam people with your logo, YouTube videos, and every piece of content you have ever created. Also, do not worry about how many people are following you or your ratio between follows and followers. Social media professionals have been guilty of following, and then unfollowing, a lot of people

so their numbers stay up but others go down. You do not need to share your own content all the time or quote it on Twitter.

The cardinal sin for social media is buying followers. Do not do this. Quality is always better than quantity when it comes to your community. While high numbers get a lot of excitement and praise from people, qualifying you for some of those “must-follow lists” you see getting published, it’s not worth it. Plus, it is very easy to find out who has real followers and who has **bots** (automated accounts to share and comment on posts) across these various platforms. A number of fake accounts and services do this, but you do not want to create a fake image for yourself—it will only damage your reputation.

*Uniformity.* Having a consistent image is one thing, but having the same content on every platform is another. Whereas on some platforms repurposed content is appropriate (e.g., Facebook and Instagram), this does not mean you share the exact same content all at once or in the same format. Consider the differences between Snapchat videos and Instagram videos, or the different algorithm characteristics you need to be aware of on Facebook versus LinkedIn. Plus, each platform has its own communities and expectations, so make sure to personalize these experiences across the board.

## **Additional Ethical and Legal Consequences and Challenges**

As the platforms and social media field evolve, so do the ethical and legal consequences and challenges. Since Social Media Today author Steph Parker discussed these sins back in 2013, social media has come a long way in addressing them, but there are others of which we have to be aware as well that can influence how we conduct our business, communication, and storytelling practices. With that being said, here are some additional “deadly sins” that should be added for social media practices:

Losing control over personal accounts to employers due to influential presence. Naturally, it is assumed that a person owns his or her own personal accounts on social media. What happens if a business sees one of their employees have an influential presence on social media—does that mean they own this personal account because the person works at the business? This is a growing legal and ethical issue as employees can become influential based on their expertise, personality, and the community they have built. This has been a focus in several cases, including the one involving wedding designer Hayley Paige. Paige, who has gained a presence in the wedding dress industry as a designer for her employer JLM Couture, lost access to her personal Instagram account to her employer JLM Couture in 2020. In March 2021, a New York judge upheld a restraining order saying Paige does not have the right to the account and Paige had “developed the account within the scope of her employment with [JLM]. Using the account to promote JLM’s goods was the kind of work she was employed to perform, as it was commensurate with her position as a lead designer” (Coleman, 2021). This account sets a significant yet serious precedent for ownership of personal social media accounts in which social media professionals need to watch as future cases may come forward as more brands and businesses view ownership of popular and influential personal accounts from their employees.

Bullying. This will be discussed in more detail later in this chapter, but essentially, you want to treat others how you would like to be treated. It is very easy to hide behind the screen and vent on someone, or even try to make people feel different based on what you share with them. Establishing fake accounts, saying negative false things about people, being aggressive with hurtful messages, and sharing others' private information for the public to see are just some examples of bullying behavior.

Not giving credit where credit is due. Everyone wants to be acknowledged and praised for bringing a useful point to the discussion, sharing a great article, or even providing a great example of a campaign to a community. You want to give credit to the person who came up with the original idea—similar to citing a source in a research paper. No one likes it when someone else gets the praise and shout-outs when he or she was not the one who came up with the idea. That's not good manners. Giving praise and thanks does not cost anyone anything. In fact, it can actually be valuable and help contribute to your personal brand.

Intolerance. One of the things that sometimes happens on social media is staying within circles where common values, views, and perspectives are universal, with no differences of opinion or debate allowed. This is what it means to be “bubbled,” being exposed only to one perspective and not others. As a result, when different opinions and perspectives arise, this can create some conflict and reactions online and in person. This has resulted in some places like Twitter and other platforms to attack individuals—high profile or not—for having different views than their own. Or, this gravitates others to take actions to continue to isolate themselves from others on a designated platform ranging from unfollowing, blocking, or muting accounts, to the extreme action of deactivating their account entirely. Society is diverse in many ways, including differences of opinion. By understanding and acknowledging these differences, we are better equipped to understand others and have a complete view of our society as a whole rather than just one side.

Misinformation. In a famous scene in *A Few Good Men*, Jack Nicholson says, “You can't handle the truth!” Yes, we can handle the truth, but seeking the truth online can be challenging. One of the biggest challenges is the rise of online information that is fake, not true, or purposely manipulated to look as if it were real. Why do people believe inaccurate information? Psychologists Marsh, Cantor, and Brashier (2016) study “truthiness,” or the qualities of information that make it more likely to be perceived and remembered as “true.” People are predisposed to believe that information is true because in most situations in life, the information we obtain is, in fact, true. Simple processes, such as including a photo or repeating a message, make a piece of information more likely to be viewed as true. Although audiences understand that some sources are more reliable than others, the source of information is usually forgotten much faster than the information itself. The science of misinformation presents several practical pieces of advice to social media professionals. Tagging information as “fake,” as Facebook, YouTube, or Twitter does, is unlikely to have much effect, due to our quick forgetting of source information. Be careful about repeating myths, even though you want to “bust” them. By repeating them, you make them more memorable.



Consider the images and videos that are shared during a trending event. We have all seen the photo with the shark swimming through flooded streets following a hurricane or other disaster. This is a fake photo, but it is shared all the time. A rising trend that has occurred on social media is misleading or framing coverage to tell a certain viewpoint or perspective on a situation. One example started with a viral video that sparked global and national attention in 2019. The video featured a high school student, Nick Sandmann, supposedly confronting a Native American peace activist, Nathan Phillips, in Washington, D.C. Sandmann was wearing a MAGA hat and participating in a “March for Life” rally with fellow students, while Phillips was beating a hand-held drum and singing. The short clip made it appear that Sandmann was antagonizing Phillips while he performed, as they stood face to face (Schwartz, 2019). After the video went viral through major media outlets, an investigation reviewed all of the footage that was being shared online and through the mainstream media and found the footage did not tell the full story of events that were originally reported and shared on social media (Schwartz, 2019). It was not proven that Sandmann initiated any confrontation. Sandmann and his family sued *The Washington Post*, CNN, and other media outlets for \$250 million for defamation as a result (Coffman, 2019).

We also know what audiences should be doing to avoid believing false information: Consider the source, check the author, check who is sharing the information, check the date, look for supporting sources, read beyond the headline, ask if a piece of information is a joke or satire, look for other expert opinions, and finally, consider how your personal biases might make you more or less accepting of the information.

Sharing too much. Transparency is key to building authenticity online, but there’s transparency, and then there is transparency. You want to be transparent, of course, on social media, but you don’t want to appear to be spamming everyone. There is a right amount of content to present across the different platforms. Yet keep in mind that not everyone may want to know what you had for breakfast or what you experienced at dinner last night at the latest new restaurant. In addition, remember that some people use social media to have conversations and a positive experience, but not to be bombarded with negativity all the time. Consider the balance between sharing your voice and point of view and how others may be responding to it.

Sparking outrage. Hell hath no fury like a social media user scorned by something he or she does not like. Have you ever been outraged by something online? Often, we vent or sometimes even try to strike up a **flame war** (a campaign to spark negativity toward the other party involved) online. We must maintain our cool and take a moment away from our keyboard before we start engaging. It is important that we collect ourselves and evaluate the consequences or effects of a particular post, update, tweet, or snap. Tea accounts, accounts that are dedicated to gossip and juicy details of online feuds, have been used to escalate influencer disagreements to enhance media coverage (Lorenz, 2019). Bots can also escalate a feud to gain publicity and attention, such as in the case of Barstool’s podcast *Call Her Daddy* with Alexandra Cooper and Sofia Franklyn (Rotter, 2020). Sofia and Alexandra hosted a popular yet raunchy podcast, when Sofia’s boyfriend Peter Nelson tried to obtain more money and possible new deals for the podcast away

from Barstool Sports (Pomarico, 2020). This of course caused a lot of drama for everyone involved, with statements, updates, and accusations flying all over the place.

**Automation.** You can't really call in social media. While many tools allow you to schedule updates ahead of time, most businesses and social media professionals know of the dreaded "automated direct messages" that frequently emerge if you follow a new account online. These automated responses are impersonal and not really about connecting on a relationship basis with another person. Automation can also pose a challenge and risk if a business or professional sends automated updates when others may not want to see them (like during a natural disaster incident or breaking news). With automation, you lose the personal exchanges and conversations that make social media a great place to network and communicate. People follow you not because you are a robot, but because there is a human side to your personal or professional brand.

**Going rogue.** Social media is about representing yourself truthfully online. Posting opinions without permission or out of context while still representing the agency or organization of record (otherwise known as "**going rogue**") can lead to a misinterpretation of the information shared on the platform. Historically in social media, there are many cases in which employees have gone rogue for their brands. These situations can range from actual employees of an organization or business taking control of its online account without permission (e.g., HMV in 2013) or alternative accounts being made on Twitter for government agencies (e.g., @RogueNASA or #AltNationalParkService) in 2017.

There is always a social media manager or team that may not necessarily want to go out of their positions a normal way but rather choose to leave their positions with a bang by using their social media platforms to communicate this loud and clear to the global community. Take the UK Civil Service Twitter account. During COVID-19, the Twitter account stated, "Arrogant and offensive. Can you imagine having to work with these truth twisters?" in reference to the UK government's take on lockdowns and pandemic strategies (Reid, 2020). The tweet was taken down within ten minutes but had considerable influence nonetheless. This goes to show the power of social media in a time of great debate, uncertainty, and stress.

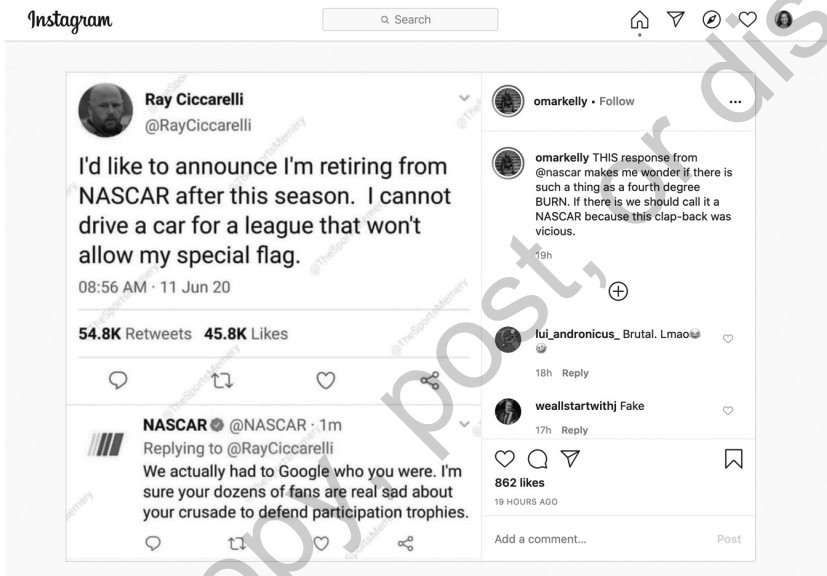
Another type of account that comes up on social media and pushes the envelope a little bit for brands and individuals is the alternative account. **Alternative accounts** serve as a notion to resist the official voice and stories they represent. Essentially, these accounts have tried to place themselves in a position to interconnect with the official ones, but they provide an alternative perspective and offer to spark dialogue with others who may or may not agree with the official voice. A lot of risk is associated with these rogue accounts that touches on the ethical and legal lines of social media.

First, we do not know who is behind these accounts or if they are who they say they are. Some individuals on these accounts have claimed they are employees (or former employees) of these organizations, but we do not know for sure.

Second, we are not aware of the ultimate goals of these accounts or if there is an alternative motive connecting these specific social media accounts to another task at hand (cybersecurity, hacking, etc.). Although some of these accounts have large followings, we do not know if they are "real" or authentic, which brings forth the importance of having an official stamp of approval from the platform itself. For example, Facebook, Instagram, Twitter, and even LinkedIn offer verification

checks to let others know this is the official account. Yet there is no guarantee who is hiding behind the screen even for these official accounts.

Third, if someone decides to create the illusion of a real account with a fake message or update, this could also be viewed as going rogue and could damage a company's reputation online and offline. For example, in response to the George Floyd protests of June 2020, NASCAR mentioned their stance on not allowing the Confederate flag at their events (NASCAR, 2020). Shortly afterward, race car driver Ray Ciccarelli stated he was going to retire from the sport due to this action. This prompted someone to create a fake response to Ray, supposedly from NASCAR's Twitter account, which was immediately shared widely before it was deemed to be fake (Photo 2.1). This is a risk not just for brands but for users as well, as rogue actions that are not true can be used to create potentially catastrophic consequences, damaging the reputation of those who were impacted.



► **Photo 2.1**  
NASCAR Fake  
Twitter Response  
to Ray Ciccarelli's  
Announcement

Source: Instagram /  
@TheSportsMemery

## LEGAL FUNDAMENTALS

*Terms of service agreements.* Before you sign up for a social media account, be sure to review the terms of service (TOS). A TOS agreement is common for all social media accounts and platforms and is known to outline the terms and uses (or rules) dictated by the parent company (Facebook, Twitter, Instagram, etc.) for its platform. In each TOS agreement, the platform states clearly what a user (or business) can and cannot do on the respective social media site (see Table 2.1).

To create an account or profile, the user has to agree to the terms of service. Some TOS agreements range from what users are able to own and create on the site to basic requirements (e.g., Instagram states you have to be 13 years or older to use the site). In addition, some platforms (e.g., Instagram and Snapchat) state the content that is shared and created on these sites is technically owned by the platform, whereas others (e.g., LinkedIn) state that the users own the content they share and create on social media. Other listings can be viewed on the Digital.gov

**Table 2.1 Current Listings of the Main Platforms' Terms of Service (TOS)**

Platform	Terms of Service	Link
Facebook	2015	<a href="http://www.facebook.com/terms">www.facebook.com/terms</a>
Twitter	2017	<a href="https://twitter.com/tos?lang=en">twitter.com/tos?lang=en</a>
Instagram	2013	<a href="https://help.instagram.com/478745558852511">help.instagram.com/478745558852511</a>
Snapchat	2017	<a href="https://www.snap.com/en-US/terms/">www.snap.com/en-US/terms/</a>
LinkedIn	2017	<a href="https://www.linkedin.com/legal/user-agreement">www.linkedin.com/legal/user-agreement</a>
Pinterest	2016	<a href="https://policy.pinterest.com/en/terms-of-service">policy.pinterest.com/en/terms-of-service</a>
YouTube	2010	<a href="https://www.youtube.com/static?template=terms">www.youtube.com/static?template=terms</a>
TikTok	2019	<a href="https://www.tiktok.com/legal/terms-of-use?lang=en">www.tiktok.com/legal/terms-of-use?lang=en</a>
WhatsApp	2019	<a href="https://www.whatsapp.com/legal/">www.whatsapp.com/legal/</a>
Clubhouse	2020	<a href="https://www.notion.so/Terms-of-Service-cfbd1824d4704e1fa4a83f0312b8cf88">www.notion.so/Terms-of-Service-cfbd1824d4704e1fa4a83f0312b8cf88</a>

website ([www.digital.gov](http://www.digital.gov)) for other platforms as well as third-party applications frequently used on social media. Keep in mind, for all social media platforms, that TOS agreements may evolve and expand as new cases, legal rulings, and situations arise online.

*Free speech on social media.* Of course, traditional legal terms need to be discussed not only in relation to social media but also in how they are translated for use on each platform. For example, tweeting a rumor about another person could result in a lawsuit (Gunkel, 2015). This is an ongoing topic of conversation when it comes to what employees share on social media related to their employers and job, what student athletes share relative to their athletic teams, and even what is shared during political campaigns. Whether or not people should share their opinions online in a public forum is one part of the equation, but the other is whether people's content should be censored or only allowed on certain social media platforms. Twitter, Facebook, and others are dealing with extreme cases of people abusing their platforms (trolling, cyberbullying, making online threats, etc.). Protection and respect for free speech is necessary in a free democracy, yet while social media has become more mainstream and established as both a field and a communication channel, brands, companies, and individuals still face challenges in this particular area.

Freedom of speech on social media has been shoved into the spotlight in many ways. For example, free speech was brought to the forefront in 2020 as a result of the actions of Twitter and Snapchat regarding then President Donald Trump. In May 2020, Twitter labeled President Trump's tweets about mail-in voting as misleading in nature (Kelly, 2020). In response, President Trump argued that the social media companies needed to be regulated and suggested revoking

Section 230 of the Communications Decency Act (Myers, 2020). According to Cayce Myers of Virginia Tech University, the Communications Decency Act (CDA) of 1996 states, “The internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity” (Myers, 2020). Specifically, Section 230 of the CDA focuses on social media or online communication as an “interactive computer service” and states that a “website or a social media site is not a ‘publisher or speaker’ of content meaning that they are largely immune from liability for content posted by third parties” (Myers, 2020). In other words, Section 230 focuses on how no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider (47 U.S. Code § 230, n.d.). This ruling is what has allowed YouTube to post videos, Amazon to allow reviews, and Facebook and Twitter to offer social networking and what has made social media platforms offer their features for their users and made Section 230 one of the most influential rulings to make the internet the way it is since 1996 (47 U.S. Code § 230). Essentially, if this section was revoked, it could change the way in which social media platforms and communication operate.

Following Twitter’s actions, Snapchat’s CEO Evan Siegel took actions to stop promoting President Trump’s account on their designated platform (Wong, 2020). In contrast, Facebook and Mark Zuckerberg did not initially restrict or block President Trump’s social media messages on their platform. Zuckerberg said, “I think political speech is one the most sensitive parts in a democracy and people should be able to see what politicians say. Political speech is the most scrutinized speech already by a lot of the media” (Bond, 2020b). Eventually, however, Facebook, Twitter, and the other social media platforms banned President Trump from their platforms.

*Disclosure of consent.* Facebook as a platform and company got into trouble in 2016 over the amount of data it was collecting on users, but it also conducted an experiment that manipulated information posted. This experiment focused on 689,000 users and whether people were feeling positive or negative about what they were viewing on their timeline (Booth, 2014). In essence, Facebook was able to manipulate and filter information, comments, pictures, and videos in users’ networks to test whether or not seeing positive or negative items on their timeline had an effect on their overall state (Booth, 2014). The news of this case study sparked outrage in the public on both ethical and legal grounds because the social network did not disclose this practice or ask users if it could do this for their timelines. Universities and research firms go through the ethical process of disclosing the nature of the study (via institutional review boards, or IRBs) for all studies involving human subjects, as well as require participants to fill out an informed consent form for the study, both of which Facebook did not do (Booth, 2014). Since then, Facebook has installed measures for highlighting certain content coming from various sources and flagged others from state-run media outlets that are shared on the platform (Bond, 2020a).

## **Employees and Personal Branding Mishaps**

*Online threats and cyberbullying.* What you post online can become evidence in a court of law. Many cases have focused on issues of cyberbullying, using profile pictures to create fake accounts, and even posting content that could lead to

termination of your job. However, one case has become an iconic example of what can happen when employees post things on their channels that have resulted in job loss and long-term consequences. It only takes one snap, tweet, video, or comment to change your life dramatically, which this case will show.



► **Photo 2.2**  
Justine Sacco Case Study

Source: Twitter/  
@JustineSacco

The most common reason social media users get into legal trouble is for posting inappropriate, insensitive, or egregious content. These posts can result in lawsuits, firings, and other long-term consequences. Public shaming for these kinds of posts has become one of the most negatively impactful events individuals experience today on social media.

The case involving Justine Sacco is a warning for all who believe social media privacy is still a thing. Sacco, a former public relations professional, used her Twitter account to share various personal opinions and views on all types of experiences, as well as exchanges she had with individuals.

It was not until December 2013, when she was boarding a plane from London to Cape Town (an 11-hour flight), that her world turned upside down and she became the number-one trending topic on Twitter (Waterlow, 2015). As shown in Photo 2.2, Sacco posted an update that sparked outrage online and immediately went viral, and she got thousands of new followers and people reaching out to her about this. In fact, an organic hashtag, #HasJustineLandedYet, began trending (Waterlow, 2015). Even though Sacco deleted her account and tried to get rid of the evidence, her reputation was already ruined, and the professional damage was already done. What stands out about this case is the fact that Sacco is still experiencing the consequences of the incident and has not been able to escape it.

Public shaming is not just for the moment in which a tweet, video, or update is uncovered, but it also follows the unrelenting culture of an entire community of people searching online and sharing updates (even writing posts, articles, and books) about the incident. Jon Ronson, author of the best-selling book *So You've Been Publicly Shamed* (2015), met up with Sacco for an interview and noted the impact this experience had on her as well as those who felt it was their responsibility to take her down on social media.

These are the types of incidents that the internet (and society) does not allow people to forget. However, the need for an understanding of what we can learn from this experience and when it is time to move on as a society must be addressed. The consequences of these public incidents on someone's personal and

professional life are significant. We need to have a better approach to educating others about the consequences and risks before they fall into a similar situation.

In many other cases, people have been fired due to insensitive or controversial tweets and social media updates shared on their personal accounts. For example, film director James Gunn was removed from *Guardians of the Galaxy* when people saw racist comments on his Twitter account, although he was reinstated years later (Fleming, 2019). This is an example of the trend of “being canceled.”

Cancel culture in social media attempts to

stop giving support to [the person who posted the insensitive content].

The act of canceling could entail boycotting an actor’s movies or no longer reading or promoting a writer’s works. The reason for cancellation can vary, but it usually is due to the person in question having expressed an objectionable opinion, or having conducted themselves in a way that is unacceptable, so that continuing to patronize that person’s work leaves a bitter taste. (“What It Means to Get ‘Canceled,’” n.d.)

Other cases in which celebrities and brands have been canceled or tried to be canceled include the following:

- Equinox and SoulCycle, when it was discovered that one of their corporate leaders had hosted fundraisers for President Trump (Pathak, 2019).
- Kim Kardashian, when she introduced her shapewear line called Kimono, which people viewed as not respecting the Japanese culture (Adranly, 2019).
- George Glassman, after his tweet regarding the George Floyd protests and after several CrossFit locations said they would break away from the CrossFit brand. Glassman ended up stepping down from his role as CrossFit CEO (“CrossFit CEO Greg Glassman Quits after George Floyd Remarks,” 2020).
- Actor Johnny Depp, famous for his roles in *Pirates of the Caribbean* and the *Fantastic Beasts* movie franchises, was forced to resign from his role by Warner Bros after he lost his libel lawsuit against *The Sun* (Bahr, 2020).
- Olivia Jade, a popular beauty influencer, was in the spotlight related to the Varsity Blues scandal at USC because her parents, Lori Loughlin and Mossimo Giannuli, managed to get her into the school with illegal payments. Jade eventually left the school and has tried to recover her reputation by going on Jada Pinkett Smith’s popular online show *Red Table Talk*.
- Kevin Hart, after it was discovered the actor tweeted inappropriate comments on Twitter regarding the LGBTQ+ community in 2011, had to step down from his hosting duties for the 2019 Oscars (Campbell, 2020).
- Goya Products, when the CEO Robert Unanue came out to support President Trump in 2020. Social media users across both sides of the coin attempted to cancel the brand online, but others who supported Goya encouraged others to purchase their products as a result.
- *Paw Patrol*, for one of the characters on the show (Chase) being a young police officer. The popular children’s TV show on Nickelodeon has been a focal point among social justice activists during the George Floyd protests (Goldstein, 2020).

Cancel culture for brands, individuals, and organizations has continued to grow, but this phenomenon has raised some concerns related to the ramifications for someone's future and livelihood. As some have said, cancel culture has become aligned with censorship, limiting the ability to have free speech (Goldstein, 2020).

Here are some things to note about cases of being canceled (Lewis, 2019):

- Be aware of all that is being said. Have an open mind and know that the cancel culture movement on social media happens rapidly, sometimes at light speed.
- Identify the root of what started the cancel culture. Exploring who (individuals, groups, or influencers) sparked the conversation on the cancel culture movement is crucial.
- Listen, monitor, and evaluate what is being shared, said, and discussed. Being present is important to make sure you are able to control the narrative and to determine how to respond.
- Know that the canceled moment is just a moment, and that it does not define a person. Humans make mistakes, and how they respond to these mistakes is more important than ever. How brands and individuals respond can help shape the movement and intensity of the emotions to shift gears from one side of the spectrum to the other.
- Learn from the experience. Understand the takeaways from the experience, and think about what to do in any similar future events.

Social media managers can get into trouble as well, sometimes interjecting humor into a situation that not many people feel is funny. Consider the case of Houston Rockets social media professional Chad Shanks. Shanks tweeted out on the official Houston Rockets account during a game in 2013 against the Dallas Mavericks (the Rockets won 103–94), but the tweet included two emojis (one was a horse, and the other was a gun) and said, “Shhhhh. Just close your eyes. It will all be over soon” (Gaines, 2015).

The Dallas Mavericks account responded, saying that was not “classy,” and Shanks immediately got fired from his position since the Houston Rockets did not want to be associated with him after the incident (Harris, 2015). Shanks responded to the firing and used his own social media platform to explain the situation.

In each of these three different cases, posting on social media resulted in a firing. Each individual involved experienced a different outcome, and while it is important to note that not all social media posting fails are equal, they all share the experience of a negative impact on a reputation or personal brand, as well as a professional brand.

*Privacy.* Privacy is a big issue in the social media community—where your data are stored, who has access, and whether or not platforms are following the laws related to privacy issues. Several agencies and regulatory bodies are actively involved in privacy related to social media, including the FTC. The FTC oversees a variety of elements, but when it comes to social media and privacy, it looks at whether or not the sites (Facebook, Instagram, etc.) publish how they work and what they do in terms of privacy and collecting information about individual users (Claypoole, 2014).

Two big new privacy regulations were recently approved. The first, the **General Data Protection Regulation (GDPR)**, was launched in 2018 in the



European Union. This regulation makes organizations aware of the privacy needs of their users, while also empowering users to control their own personal data and what they are willing to share with brands and organizations (“Complete Guide to GDPR Compliance,” n.d.).

The second, the **Children’s Online Privacy Protection Act (COPPA)**, focuses on “certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age” (Children’s Online Privacy Protection Rule [“COPPA”], 2013). This regulation affects certain platforms that have been gaining younger users, such as YouTube and TikTok. TikTok, a platform that originated in China, has been in the news for privacy violations, especially when it comes to children’s data (O’Donnell, 2020). The FTC found that TikTok “currently has many regular account holders who are under age 13, and many of them still have videos of themselves that were uploaded as far back as 2016, years prior to the consent decree” (O’Donnell, 2020). TikTok was fined \$5.7 million for violating COPPA (O’Donnell, 2020).

*Copyright infringement.* Copyright infringement may involve the author of a work, a photographer, a videographer, a musician who created the music used in a video, TV footage, the creator of artwork, or a visual content creator. This has become a big issue related to content that is shared, created, and accessed online.

Artists have brought their concerns to both Instagram and Pinterest, ranging from their copyrighted work being shared without attribution to other media outlets creating new content based on original content without permission. A case in point was the 2020 release of Disney’s *The Mandalorian*, in which the character Baby Yoda was introduced. This caused a huge spike in content, parody accounts, and unofficial merchandise surfacing for everyone to enjoy. Well, everyone seemed to enjoy the merchandise except Disney, who went after the creators for copyright infringement (Gartenberg, 2020). Disney also went after users on social media platforms such as Twitter for using GIFs from the show on their accounts (“Baby Yoda Gifs Reinstated After Star Wars Takedown Confusion,” 2019). However, in this case, the GIFs were restored due to “confusion” about the situation (“Baby Yoda Gifs,” 2019).

There are, of course, various things to keep in mind regarding copyright and intellectual property when you are signing up to join a social media platform. It is important to know the terms you are signing into, how much control you have over the content you create, and if any changes are made to these terms. All social media platforms have their own terms of service (as outlined in Table 2.1), but each platform has experienced trouble due to rising concerns about who “owns” the content being shared—and perhaps used for profitable means. Snapchat, for example, updated its services and advised users that while individual users have “ownership rights,” Snapchat still has power to use their content since it is on the platform:

You grant Snapchat a worldwide, perpetual, royalty-free, sublicensable, and transferable license to host, store, use, display, reproduce, modify, adapt, edit, publish, create derivative works from, publicly perform, broadcast, distribute, syndicate, promote, exhibit, and publicly display that content in any form and in any and all media or distribution methods (now known or later developed).

We will use this license for the limited purpose of operating, developing, providing, promoting, and improving the Services; researching and developing new ones; and making content submitted through the Services available to our business partners for syndication, broadcast, distribution, or publication outside the Services. (Quoted in Wood, 2015)

*Endorsements (bloggers and influencers).* Whether or not bloggers or **influencers** (individuals who are able to persuade audiences to take action) are getting paid for their content, images, or experiences by a brand is one of the rising legal concerns about social media. The FTC has taken actions to address this concern with bloggers, but more recently has moved on to social media celebrities and influencers. For example, DJ Khaled (an influencer on Snapchat) never disclosed whether he was getting paid by the brands that he features on his snaps (Frier & Townsend, 2016). The FTC has updated their expectations, regulations, and policies on influencers and endorsements each year to make sure everything is transparent and not misleading for audiences on social media (Zialcita, 2019). As a result, all influencers, including DJ Khaled, have to note when they are getting paid to promote or create content on social with #ad, #sponsored, or acknowledge it publicly to let their community know this is paid content.

The FTC also has been “keeping up with the Kardashians” when it comes to following their endorsement and advertising practices. The Kardashians have come under fire for promoting items and products on Instagram without making it easy for audiences to tell whether they really like the products or it is just an ad (Maheshwari, 2016). The same goes for the Kardashians promoting certain weight loss products and skin care lines. The key trend across all these cases is that these individuals are not being honest to the public about getting paid to promote or be part of a campaign. The way in which the Kardashians have addressed this in their Instagram posts has been to add #ad to the end of the update.

The main concern here is that companies are paying (and sometimes overpaying) influencers to promote their brands, and audiences need to be aware of this. These actions have significant consequences for the brands associated with these individuals. This has sparked the updated need for influencers to disclose to their audiences whether content is a promoted post or a sponsored ad. Most of the time, the influencers will use a hashtag such as #sponsored, #ad, or #paid. While this mostly applies to images and updates, the FTC requires influencers to voice this on the screen as well as place it on the screen if they are doing a video (Frier & Townsend, 2016). For example, Antoni



► **Photo 2.3**

Screenshot of Post by Scott Disick

Source: Instagram/Scott Disick (@letthelordbewithyou)

Porowski, host of *Queer Eye*, on his Instagram accounts promotes paid content with his videos, but it is displayed as “Paid partnership with xyz brand.” This feature from Instagram and Facebook was added to follow the FTC guidelines for influencer partnerships to create more awareness and transparency on these partnerships.

Some influencers and celebrities fail at the endorsement mentions in a big way. Scott Disick learned this lesson when he copied and pasted a note from a brand without putting it into his own words (Beale, 2016). This example shows the implications that companies need to be aware of when targeting influencers and celebrities to promote their brands. Consumers today are very aware of the true nature of an influencer’s promotion, and they want these recommendations and insights to be authentic, not paid. In addition, while number of followers and size of community are important indicators to consider, they are not everything. Communities come and go, and if followers detect any misleading or fake actions by an influencer, they will leave and the influencer will no longer be prominent.

## **ETHICAL AND LEGAL BEST PRACTICES IN SOCIAL MEDIA**

---

Social media offers many opportunities and resources for users to share, create, report, and communicate with each other. With each opportunity comes a unique challenge that constantly must be addressed in addition to forecasting future ethical and legal incidents that may impact social media practices. A strong ethical and legal best practice to have in social media is a social media policy, which is a document that outlines guidelines, expectations, and actions that are expected to be followed for online engagement on social media. Many corporations, businesses, news organizations, and professionals have their own respective social media policies that help guide them through their online correspondence to promote a strong brand image and community, as well as serve as a guide to prevent behaviors or actions that could spark a crisis.

One case that really put this front and center involved Domino’s Pizza in 2009. In April of that year, two Domino’s employees went rogue and decided to film themselves being inappropriate with the food being served. This video caught the attention of a blogger, who then went to Twitter to voice his concern. As a result, Domino’s responded (actually creating a Twitter account because it didn’t have one before) to reassure its customers and others about the situation (Clifford, 2009).

Social media policies are one way to set forth guidelines for behavior to be followed in the workplace. Many brands have incorporated these policies over the years and have tailored them to their own values and perspectives on social media. For example, National Public Radio (NPR) has a comprehensive social media policy outlining its expectations from employers and media outlets. Accuracy is one of the most important elements highlighted in the policy since NPR is dedicated to making sure the information presented to its media outlets is correct and verified (“Social Media,” 2017).

While most organizations, corporations, and businesses have a social media policy, it is important that they share certain points of information with their employees directly but also with their audiences publicly. Having a social media policy will help educate and inform your audiences what to expect from you online. Here are some must-haves for your social media policy:

Introduction to the overall purpose of your social media policy. Outline not only why it is important to have a social media policy but also why it is important to the organization, business, media outlet, or agency you represent. Your rationale for the use of these guidelines and practices for your internal and external audience is crucial to state in this section. Make sure to personalize and frame it for the organization in question. Yet also make sure to include a statement that discusses the requirements. Education on your social media policy and guidelines needs to happen as frequently as they need to be updated. New legal and ethical scenarios that could possibly face your brand need to be addressed and added to the guidelines for your social media policy; holding workshops, online sessions, and educational meetings on the changes and revisions for the social media policy are ways to accomplish this.

Employee conduct and personal identity section. Employees are on the front lines of social media and are essentially brand ambassadors for their company, brand, or business. An employee conduct and personal identity code outlines what employees' roles are and how they are expected to present themselves professionally on social media. For example, you do not want to advocate for a client's work without disclosing you are actually working on that campaign. That's why you often see the hashtag #client being shared. The same goes for representing your role at an agency, media outlet, or business. In 2014, Humana invited its employees to use #HumanaEmployee to let their community know they work at Humana while providing some guidelines on what they can and cannot share (confidential information, passwords, personal communication, etc.).

Added section for representing the brand and following the law. Make sure your employees and everyone on board knows what they can share that helps represent the brand professionally and also what they need to be aware of from a legal standpoint. Terms of service, sharing of copyright content, disclosure of confidential information, privacy, respect for others, and obeying the laws online are just some of the things that need to be included here.

Overall tone on social media. Being respectful and professional, and not engaging in a flame war or going rogue, should also be advised. Outlining what to do to combat hacking, fix errors, address crises or threats, report fake accounts, or handle another challenge in a systematic way can help improve the situation further. Also, this provides consistent action steps that employees can take in order to identify, discuss, and handle specific situations in a timely manner.

Diversity, inclusion, and representation policies. Be inclusive for all audiences, perspectives, gender roles, and communities on social media. This is where the diversity and inclusion statements and policies from the organization, brand, or agency can be addressed and integrated into social media practices. (This is discussed more in Chapter 4.)

Protocols for early warning signs or crises. Have a clear line of communication for social media activities that are positive, but also have a plan in place in case something happens that brings forth challenges for the company, agency, or brand. Identifying policies for crisis communication is a good step toward creating awareness and expectations of these practices

for all employees. How to handle challenges like crises is a skill that all employees need to learn.

Responsibility for what you create, write, and share. Be aware that what you share is for public viewing. Sometimes you will see a lot of discussion that is positive toward your client, the business you represent, or even yourself. However, sometimes you will get negative or even hateful comments directed toward you and your brand. Noting and reporting what each comment means for the brand and for yourself is important. Talking with your team or with close confidants about your situation is best. You always want to take action to make sure everyone on your team is aware of what is happening, and brainstorm solutions and responses that fall in line with your core values and principles in a timely manner. You should never be alone in handling these types of situations. Contacting your legal team with the necessary documents and evidence (screen shots, links, messages, etc.) will help in this situation as well.

Authenticity and values presented online. Your values for your organization offline need to be present and nurtured online as well. The trouble comes when there is a disconnect between how people see you online versus offline. Be true to yourself for a personal brand, but also note the impact being authentic has for your employer. Apply common sense to understanding the overall culture inside both your organization and the community with which you interact. Take time to see what others are saying, and put your best foot forward each and every time you interact with someone online. Be the better person because each conversation, interaction, and piece of content shared online contributes to the marble glass of items that make up your reputation.

## CHAPTER SUMMARY

The legal and ethical landscape will continue to change and evolve for social media. We will be faced with new cases, legal suits, ethical challenges, and situations. Knowing the foundations of professional ethical conduct while also being aware of what the law says is more important than ever for social media professionals. You do not want to wait and ask for permission for certain tasks—that is too risky for the social media landscape today. Educating not only yourself, but your team, about some of these rising issues and situations on both professional and personal levels is key for success in the industry. In addition, we must understand

that ethical and legal behavior comes not only from the top down but also from the bottom up. Ethical and legal practices from company leadership are expected since they contribute to the overall environment of the company and its future placement in the industry. If no standards are set, or value is not attributed to ethical or legal practices for social media at the organization, media outlet, or agency you belong to, move along to a place that does have these values. It only takes one misstep to wreak havoc on your personal brand for years to come.

## THOUGHT QUESTIONS

1. Based on the reading, what is the current legal landscape in social media? What are some of the main issues to be aware of?

How have you seen some of these issues play out for influencers or brands you follow?

- Define ethics. What are some of the key principles in your code of ethics for using social media?
- Identify current legal challenges and risks on social media. How would you address them?
- From a legal and ethical standpoint, what are some benefits and challenges of using influencers and social media personalities on social media?
- What is cancel culture? What are the ramifications and trends we need to know about cancel culture for social media practices? Identify two strategies that brands and users can use to navigate the social media waters if they are “canceled.”
- Identify the key elements of a social media policy. What is mandatory to include, and what three areas would you add or expand on for your social media policy?

## EXERCISES

- Write an ethical code of conduct for your own social media practices. What are some of the main concepts you feel are necessary to adhere to for your own personal conduct online? What concepts or behaviors do you feel strongly against and want to make sure to avoid on social media?
- Influencer marketing and engaging with a large audience online has become quite the trend for businesses and brands. You have been asked to engage with influencers as part of the Kentucky Derby Festival. What would you advise the board of directors for the Kentucky Derby Festival to keep in mind when it comes to working with influencers based on FTC regulations? Write a few of these points down, and for each point, discuss how you would address it proactively and some of the risks to avoid.
- You have been asked to create a social media policy for a local small business. The company has never had such a policy but wants to make sure its employees are aware of what they can and cannot do online. Design a one-page social media policy for the local small business based on what you feel they need to have in place for their employees on social media.
- You have obtained an internship with a well-known YouTuber, but they have caused quite the scandal and they are now trending as being canceled on social media. Identify steps you will recommend to your boss for handling the situation.

## REFERENCES

- Adranly, C. (2019, November 26). What brands need to learn about cancel culture. *Adweek*. <https://www.adweek.com/brand-marketing/what-brands-need-to-understand-about-cancel-culture/>
- Baby Yoda Gifs reinstated after Star Wars takedown confusion*. (2019, November 25). BBC News. <https://www.bbc.com/news/business-50545583>
- Bahr, S. (2020). Johnny Depp leaves “Fantastic Beasts” franchise at studio’s request. *The New York Times*. <https://www.nytimes.com/2020/11/06/movies/johnny-depp-harry-potter.html>
- Beale, T. (2016, May 20). Why Scott Disick’s Instagram fail is everything wrong with influencer marketing. *Traackr*. <http://www.traackr.com/blog/why-scott-disicks-instagram-fail-is-everything-wrong-with-influencer-marketing>
- Bond, S. (2020a, June 4). *Facebook begins labeling “state-controlled” media*. NPR. <https://www.npr.org/2020/06/04/870105673/facebook-begins-labeling-state-controlled-media>
- Bond, S. (2020b, June 11). *Critics slam Facebook but Zuckerberg resists blocking Trump’s posts*. NPR. <https://www.npr.org/2020/06/11/874424898/critics-slam-facebook-but-zuckerberg-resists-blocking-trumps-posts>
- Booth, R. (2014, June 29). Facebook reveals news feed experiment to control emotions. *The Guardian*. <https://www.theguardian.com/technology/2014/jun/29/facebook-users-emotions-news-feeds>

- Campbell, J. (2020, January 16). Have we taken cancel culture too far in 2020? *GQ*. <https://www.gq.com.au/success/opinions/have-we-taken-cancel-culture-too-far-in-2020/news-story/0f12503dbf60071a63d7ffd5e29bcce7>
- Children's Online Privacy Protection Rule ("COPPA"). (2013, July 25). Federal Trade Commission. <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>
- Claypoole, T. F. (2014, January). Privacy and social media. *Business Law Today*. [http://www.americanbar.org/publications/blt/2014/01/03a\\_claypoole.html](http://www.americanbar.org/publications/blt/2014/01/03a_claypoole.html)
- Clifford, S. (2009, April 15). Video prank at Domino's taints brand. *The New York Times*. <http://www.nytimes.com/2009/04/16/business/media/16dominos.html>
- Coffman, K. (2019, February 19). *Teen in Lincoln Memorial protest sues Washington Post for \$250 million*. *Reuters*. <https://www.reuters.com/article/us-usa-covington-suit/teen-in-lincoln-memorial-protest-sues-washington-post-for-250-million-idUSKCN1Q82SW>
- Coleman, O. (2021). *Hayley Paige suffers legal setback in Instagram account case*. <https://pagesix.com/2021/03/05/hailey-paige-suffers-legal-setback-in-instagram-account-case/>
- Complete guide to GDPR [General Data Protection Regulation] compliance*. (n.d.). <https://gdpr.eu/>
- CrossFit CEO Greg Glassman quits after George Floyd remarks*. (2020, June 10). BBC News. <https://www.bbc.com/news/world-us-canada-52988959>
- Fleming, M., Jr. (2019, March 15). Disney reinstates director James Gunn for 'Guardians of the Galaxy' 3. *Deadline*. <https://deadline.com/2019/03/james-gunn-reinstated-guardians-of-the-galaxy-3-disney-suicide-squad-2-indefensible-social-media-messages-1202576444/>
- 47 U.S. Code § 230—*Protection for private blocking and screening of offensive material*. (n.d.). Cornell Law School, Legal Information Institute. <https://www.law.cornell.edu/uscode/text/47/230>
- Frier, S., & Townsend, M. (2016, August 5). FTC to crack down on paid celebrity posts that aren't clear ads. *Bloomberg Technology*. <https://www.bloomberg.com/news/articles/2016-08-05/ftc-to-crack-down-on-paid-celebrity-posts-that-aren-t-clear-ads>
- Gaines, C. (2015, April 29). The Houston Rockets fired a social media manager for sending a dumb, but harmless emoji tweet. *Business Insider*. <http://www.businessinsider.com/houston-rockets-social-media-manager-horse-emoji-tweet-2015-4>
- Gartenberg, C. (2020, January 17). Disney is hunting down the most popular Baby Yoda toys on Etsy. *The Verge*. <https://www.theverge.com/2020/1/17/21069124/baby-yoda-dolls-etsy-disney-mandalorian-copyright-takedown-enforcement>
- Goldstein, L. (2020, June 11). Cancel culture is the new name for censorship. *Toronto Sun*. <https://torontosun.com/opinion/columnists/goldstein-cancel-culture-is-the-new-name-for-censorship>
- Gunkel, D. J. (2015, March 17). Social media: Changing the rules of business ethics. *NIU Newsroom*. <http://newsroom.niu.edu/2015/03/17/social-media-changing-the-rules-of-business-ethics/>
- Harris, J. D. (2015, May 12). Houston Rockets social media manager should not have been fired after questionable tweet. *SportTechie*. <http://www.sporttechie.com/2015/05/12/trending>
- Kelly, M. (2020, May 26). Twitter labels Trump tweets as "potentially misleading" for the first time. *The Verge*. <https://www.theverge.com/2020/5/26/21271207/twitter-donald-trump-fact-check-mail-in-voting-coronavirus-pandemic-california>
- Lewis, A. (2019, November 15). A parent's guide to cancel culture, explained by a teenager. (n.d.). *Parents*. <https://www.parents.com/parenting/better-parenting/teenagers/a-parents-guide-to-cancel-culture-explained-by-a-teenager/>
- Lorenz, T. (2019, May 16). How tea accounts are fueling influencer feuds. *The Atlantic*. <https://www.theatlantic.com/technology/archive/2019/05/how-tea-channels-feed-youtube-feuds/589618/>
- Maheshwari, S. (2016, August 30). Endorsed on Instagram by a Kardashian, but is it love or just an ad? *The New York Times*. <https://www.nytimes.com/2016/08/30/business/media/instagram-ads-marketing-kardashian.html>
- Marsh, E., Cantor, A., & Brashier, N. (2016). Believing that humans swallow spiders in their sleep. *Psychology of Learning and Motivation*, 64, 93–132.
- Myers, C. (2020, June 3). *What Trump's new executive order on social media means for PR*. Institute for Public Relations. <https://instituteforpr.org/what-trumps-new-executive-order-on-social-media-means-for-pr-practitioners/>
- NASCAR. (2020, June 10). *NASCAR statement on confederate flag*. <https://www.nascar.com/news-media/2020/06/10/nascar-statement-on-confederate-flag/>

O'Donnell, L. (2020, May 14). TikTok violated children's privacy law, FTC complaint says. *Threatpost*. <https://threatpost.com/tiktok-violated-childrens-privacy-law-ftc-complaint-says/155755/>

Parker, S. (2013). The 7 NEW Deadly Sins of Social Media | Social Media Today. (2013, 2013-09-04T04:40-04:00). Retrieved from <http://www.socialmediatoday.com/content/7-new-deadly-sins-social-media>

Pathak, S. (2019, September 11). #Canceled: How cancel culture is affecting brands. *Digiday*. <https://digiday.com/marketing/cancel-culture/>

Pomarico, N. (2020, May 19). Who is Sofia Franklyn's boyfriend, Peter Nelson? HBO exec at center of "Call Her Daddy" barstool drama. *YourTango*. <https://www.yourtango.com/2020334066/who-sofia-franklyns-boyfriend-peter-nelson>

Reid, C. (2020, May 24). Civil Service tweet goes viral: "Arrogant and offensive. Can you imagine having to work with these truth twisters?" *Forbes*. <https://www.forbes.com/sites/carltonreid/2020/05/24/civil-service-tweet-goes-viral-arrogant-and-offensive-can-you-imagine-having-to-work-with-these-truth-twisters/#7619a2173154>

Ronson, J. (February 12, 2015). How one stupid tweet blew up Justine Sacco's Life. *The New York Times*. Retrieved from <https://www.nytimes.com/2015/02/15/magazine/how-one-stupid-tweet-ruined-justine-saccos-life.html>

Rotter, M. (2020, May 21). An official timeline of all the "Call Her Daddy" drama. *Cosmopolitan*. <https://www.cosmopolitan.com/lifestyle/a32628219/call-her-daddy-podcast-drama-timeline-explainer/>

Schwartz, M. S. (2019, February 15). *Investigators for diocese say Kentucky students did not initiate confrontation*. NPR. <https://www.npr.org/2019/02/15/695036694/covington-catholic-teens-cleared-of-wrongdoing-by-detective-agency>

Snapchat TOS. (n.d.) Retrieved from <https://snap.com/en-US/terms>

Social media: The NPR way. (2017, July). *NPR ethics handbook*. <http://ethics.npr.org/tag/social-media/>

Waterlow, L. (2015, February 16). "I lost my job, my reputation and I'm not able to date anymore": Former PR worker reveals how she destroyed her life one year after sending "racist" tweet before trip to Africa. *Daily Mail*. <http://www.dailymail.co.uk/femail/article-2955322/Justine-Sacco-reveals-destroyed-life-racist-tweet-trip-Africa.html>

What it means to get "canceled." (n.d.). *Merriam-Webster*. <https://www.merriam-webster.com/words-at-play/cancel-culture-words-were-watching>

Wong, Q. (2020, June 3). *Snapchat is the latest social network to take on Trump*. CNET. <https://www.cnet.com/news/snapchat-is-the-latest-social-network-to-take-on-trump/>

Zialcita, P. (2019, November 5). *FTC issues rules for disclosure of ads by social media influencers*. NPR. <https://www.npr.org/2019/11/05/776488326/ftc-issues-rules-for-disclosure-of-ads-by-social-media-influencers>