

social media policy



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(Brokerage Name)

Introduction

(Brokerage Name)

understands that REALTORS® post to blogs; comment on others' blogs; connect with colleagues, customers and clients through social networking sites such as Facebook, LinkedIn and Twitter; tag news articles and Web pages on social bookmarking sites including Digg and del.icio.us, post geographic information on site like Foursquare and Gowalla, upload videos to YouTube and participate in any number of other activities loosely referred to as "Social Media."

We understand and appreciate that our agents are using social media to:

- Maintain or grow their relationships with family members and friends.
- Connect with old friends or classmates.
- Share their knowledge, expertise, and life stories with their friends.
- Find like-minded people with similar interest, causes, or motivations.
- Grow their sphere of influence on a personal and professional level.

Likewise, we need our agents to understand and appreciate that (Brokerage Name) may ultimately be responsible for our agents' behavior with respect to violations of law or the Code of Ethics of the National Association of REALTORS®. Social networks are accessible by anyone from anywhere, so your personal posts and comments are easy for people to find – and use in ways detrimental to you and our company – if they want to.

With this in mind, (Brokerage Name) has developed the following policies regarding our agents' participation in social media.

All brokers and sales associates of (Brokerage Name) are required to comply with the following guidelines while participating in social media channels.

1. Definitions of Internet Postings.

For the purpose of this policy, "Internet Postings" means posting or uploading content to all types of interactive electronic communications including but not limited to the following:

- a. Multi-media and social networking websites include, but are not limited to, sites such as MySpace, Facebook, Yahoo! Groups, Google Groups, Gowalla, Foursquare, Twitter and LinkedIn.
- b. Blogs
- c. Wikis such as Wikipedia and any other site where text can be posted.
- d. Photo sharing sites such as Flickr, Tumblr, Shutterfly, etc.
- e. Video sharing sites such as YouTube

All of these activities are collectively referred to as "Internet Postings" in this Policy.

2. Personal doesn't mean private

When you participate in social media, you are likely to find your personal and professional lives becoming more integrated online. While it's perfectly fine to express your personal beliefs, be aware that your participation in social media raises awareness of your profile among the public and your peers.

Whether you're posting personally or professionally, don't write anything that you would not feel comfortable being published with your name and our company in the New York Times.

When speaking about issues relating to real estate, and related issues, it's important to specifically state that any personal opinions you express may not be the same as those of our company. Consider writing a personal opinion disclaimer: If you use social media channels to express ONLY personal opinions, you could place a disclaimer in the bio of your social network profiles. An example: "While I am licensed with (Brokerage Name) these are my personal opinions."

Posting pictures: Before publishing a picture of someone, ask for permission from the person who was photographed. This is especially important for pictures taken in social settings. Also, think twice before posting photos in social settings; don't post photos showing people drinking or engaging in unprofessional behavior because it may send an unintended and unwanted message to viewers.

3. Respecting copyright

1. Copyright: Use caution when publishing text, pictures, video, or other content that was not created by you. Unless specifically licensed otherwise, all created content is protected by copyright. If you want to use copyrighted material, you must obtain written permission from the original author of the content.

2. Creative Commons: In most cases, content created under a Creative Commons license is still protected from commercial use. You shouldn't republish Creative Commons content unless that content is specifically licensed for commercial use.

3. Linking vs. republishing: Whenever possible, link to content elsewhere on the Web instead of republishing it.

4. User Comments Liability

The Communications Decency Act has provisions regarding Immunity for Online Publishers. These sections protect the host of any online platform from liability when publishing comments from other users – even if those comments are derogatory, illegal, etc. To stay within these protections, there are two basic rules to follow.

1. Don't specifically solicit comments in a way that incites derogatory comments. For instance, it would be fine to ask for opinions regarding Senator Smith's tax policy, but it's not okay to ask, "Do Senator Smith's tax policies prove he's the vile crony we all guessed he would be?"
2. Don't edit the content of user comments. Rather, decide to either publish a comment intact or to delete it. Once the host of a discussion changes a user's comment, the host becomes the publisher of that comment and may be held responsible for it.
3. Don't publish comments or statements that contain offensive or inappropriate language; are harmful and/or untrue, mean-spirited, illegal, fraudulent, obscene, threatening, infringing of intellectual property rights, invasive of privacy, or otherwise injurious or objectionable; or violate any state or federal laws.

5. Brokerage Liability

In addition to potential violations of state and federal law, internet postings are also subject to the National Association of REALTORS®' Code of Ethics. Since violations of state and federal law as well as violations of the Code of Ethics may subject our brokerage to liability, we reserve the right to set these policies, which may be amended from time to time as we see fit. See Appendix A for a list of the Articles of the Code of Ethics and Standards of Practice which apply most often to internet postings.

6. Use of Brokerage Resources

Limited and occasional use of our company's systems to engage in social media is acceptable if it does not otherwise violate these policies, and is not detrimental to our company.

7. Monitoring

Our brokerage reserves the right to monitor social media channels and platforms. If you engage in social media, whether for personal or work related reasons, and whether or not you use our resources, you should not expect your internet postings to be private.

8. Specific Prohibitions

In addition to the general policies already outlined all licensees and employees of our brokerage:

1. May not attack, defame, harass, discriminate against, threaten, or otherwise exhibit inappropriate or offensive behavior or attitudes toward other REALTORS®, supervisors, executives, customers, vendors, shareholders, the media, or other third parties.

2. May not disclose confidential, sensitive, proprietary, secret, or private information about our brokerage, employees, executives, customers, business partners, suppliers, or other third parties.
3. May not disclose financial information about our brokerage including but not limited to revenues, profits, forecasts, and other information.
4. Must be mindful of the fact that social media content creates written business records that may be retained for business, legal, and regulatory purposes.
5. May not violate copyright law, and will secure permission of the copyright holder before publishing copyrighted material as well as cite sources and link to online references and source material.
6. May not engage in any social media communication that may disparage or harm the image or reputation of our brokerage and/or any of its employees.
7. May not violate any Federal Fair Housing or anti-trust laws.

Appendix A

Articles of the Code of Ethics and Standards of Practice Related to Internet Postings

Article 6

Realtors® shall not accept any commission, rebate, or profit on expenditures made for their client, without the client's knowledge and consent.

When recommending real estate products or services (e.g., homeowner's insurance, warranty programs, mortgage financing, title insurance, etc.), Realtors® shall disclose to the client or customer to whom the recommendation is made any financial benefits or fees, other than real estate referral fees, the Realtor® or Realtor®'s firm may receive as a direct result of such recommendation. (Amended 1/99)

- **Standard of Practice 6-1**

Realtors® shall not recommend or suggest to a client or a customer the use of services of another organization or business entity in which they have a direct interest without disclosing such interest at the time of the recommendation or suggestion. (Amended 5/88)

Article 10

Realtors® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin or sexual orientation.

Realtors® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin or sexual orientation. (Amended 1/11)

Realtors®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin or sexual orientation. (Amended 1/11)

- **Standard of Practice 10-1**

When involved in the sale or lease of a residence, Realtors® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood nor shall they engage in any activity which may result in panic selling, however, Realtors® may provide other demographic information. (Adopted 1/94, Amended 1/06)

- **Standard of Practice 10-3**

Realtors® shall not print, display or circulate any statement or advertisement with respect to selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, national origin or sexual orientation. (Adopted 1/94, Renumbered 1/05 and 1/11)

Article 12

Realtors® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations.

Realtors® shall ensure that their status as real estate professionals is readily apparent

in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. (Amended 1/08)

• **Standard of Practice 12-1**

Realtors® may use the term “free” and similar terms in their advertising and in other representations provided that all terms governing availability of the offered product or service are clearly disclosed at the same time. (Amended 1/97)

• **Standard of Practice 12-3**

The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the Realtor® making the offer. However, Realtors® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the Realtor®’s offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. (Amended 1/95)

• **Standard of Practice 12-4**

Realtors® shall not offer for sale/lease or advertise property without authority. When acting as listing brokers or as subagents, Realtors® shall not quote a price different from that agreed upon with the seller/landlord. (Amended 1/93)

• **Standard of Practice 12-5**

Realtors® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that Realtor®’s firm in a reasonable and readily apparent manner. This Standard of Practice acknowledges that disclosing the name of the firm may not be practical in displays of limited information (e.g. “thumbnails”. Text messages, “tweets”, etc.). Such displays are exempt from the disclosure requirement established in the Standard of Practice but only when linked to a display that includes all required disclosures. (Adopted 11/86, Amended 1/11)

• **Standard of Practice 12-6**

Realtors®, when advertising unlisted real property for sale/lease in which they have an ownership interest, shall disclose their status as both owners/landlords and as Realtors® or real estate licensees. (Amended 1/93)

• **Standard of Practice 12-7**

Only Realtors® who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property. Prior to closing, a

cooperating broker may post a “sold” sign only with the consent of the listing broker. (Amended 1/96)

• **Standard of Practice 12-8**

The obligation to present a true picture in representations to the public includes information presented, provided, or displayed on Realtors®’ websites. Realtors® shall use reasonable efforts to ensure that information on their websites is current. When it becomes apparent that information on a Realtor®’s website is no longer current or accurate, Realtors® shall promptly take corrective action. (Adopted 1/07)

• **Standard of Practice 12-9**

Realtor® firm websites shall disclose the firm’s name and state(s) of licensure in a reasonable and readily apparent manner.

Websites of Realtors® and non-member licensees affiliated with a Realtor® firm shall disclose the firm’s name and that Realtor®’s or non-member licensee’s state(s) of licensure in a reasonable and readily apparent manner. (Adopted 1/07)

• **Standard of Practice 12-10**

Realtors®’ obligation to present a true picture in their advertising and representations to the public includes the URLs and domain names they use, and prohibits Realtors® from:

- 1) engaging in deceptive or unauthorized framing of real estate brokerage websites;
- 2) manipulating (e.g., presenting content developed by others) listing content in any way that produces a deceptive or misleading result; or
- 3) deceptively using metatags, keywords or other devices/ methods to direct, drive, or divert Internet traffic, or to otherwise mislead consumers. (Adopted 1/07)

• **Standard of Practice 12-11**

Realtors® intending to share or sell consumer information gathered via the Internet shall disclose that possibility in a reasonable and readily apparent manner. (Adopted 1/07)

• **Standard of Practice 12-12**

Realtors® shall not:

- 1) use URLs or domain names that present less than a true picture, or
- 2) register URLs or domain names which, if used, would present less than a true picture. (Adopted 1/08)

• **Standard of Practice 12-13**

The obligation to present a true picture in advertising, marketing, and representations allows Realtors® to use and display only professional designations, certifications, and other credentials to which they are legitimately entitled. (Adopted 1/08)

Article 15

Realtors® shall not knowingly or recklessly make false or misleading statements about other real estate professionals, their businesses, or their business practices. (Amended 1/12)

• Standard of Practice 15-2

The obligation to refrain from making false or misleading statements about other real estate professionals, their businesses, and their business practices includes the duty to not knowingly or recklessly publish, repeat, retransmit, or republish false or misleading statements made by others. This duty applies whether false or misleading statements are repeated in person, in writing, by technological means (e.g., the Internet), or by any other means. (Adopted 1/10, Amended 1/12)

• Standard of Practice 15-3

The obligation to refrain from making false or misleading statements about other real estate professionals, their businesses, and their business practices includes the duty to publish a clarification about or to remove statements made by others on electronic media the Realtor® controls once the Realtor® knows the statement is false or misleading. (Adopted 1/10, Amended 1/12)