



SOCIAL MEDIA:

Considerations and Unintended Consequences

But First: Definition

- “Forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).”

But First: Resources

University Advancement & Marketing

Social Media Page

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Social Media at Ferris State University

Social Media

[Policy](#)

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[University News](#)

[Key Hashtags](#)

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[Content Development](#)

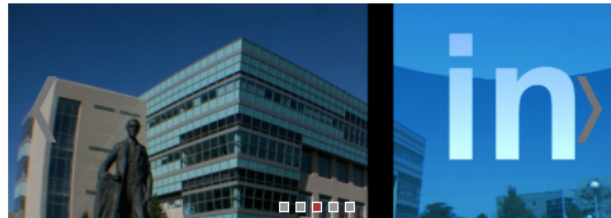
[Best Practices](#)

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Connect With Us



Social media platforms offer new and exciting ways to connect with prospective students, alumni, employers and others interested in programs at Ferris State University. We encourage you to investigate and participate in these online forums. This site offers resources for those who are already active on social media platforms and for those who are just starting out. We have posted guidelines, resources and best practices to assist you, as well as a link to Ferris' social media policy.

Through the efforts of University Advancement and Marketing, Ferris actively participates on several platforms including [Facebook](#), [Instagram](#), [LinkedIn](#), [Twitter](#), [YouTube](#), [Pinterest](#) and blogs. We encourage you to visit these sites for examples.

[NEW: Fall 2018 Ferris State University Social Media Survey Results](#)
[Fall 2017 Ferris State University Social Media Survey Results](#)

But First: Resources

General Counsel & Governmental Relations Social Media Page

The screenshot displays the Ferris State University website. At the top, a navigation bar includes links for Text Only, Calendar, Blackboard Learn, MyFSU, Maps & Directories, FLITE Library, and a dropdown menu labeled 'I Am A...'. Below this is the university logo and the tagline 'IMAGINE MORE'. To the right of the logo are three yellow buttons: 'Apply', 'Request Info', and 'Visit'. A search bar is located below these buttons.

The main content area features a breadcrumb trail: [Ferris Home](#) / [Administration](#) / [President's Office](#) / [McKessy House](#) / [Social Media](#). The page title is 'Social Media'. A left-hand navigation menu under 'McKessy House' lists various services, with 'General Counsel Services' expanded to show a dropdown arrow. The main content area lists several resource links:

- [Data and Social Media Mistakes to Avoid - For Faculty, Administrators and Counsel](#)
- [#Gotcha!: Litigation Strategies For The Effective and Ethical Use of Social Media Evidence](#)
- [Employee Privacy Issues In The Social Media World](#)
- [Social Media, Anonymous Speech and When Social Media Becomes the Crisis](#)
- [Social Media: Faculty and Student Rights and Responsibilities](#)
- [Pre-Employment Inquiry Guide](#)
- [Internet Privacy Protection Act](#)

Consider: The Policies

- Ferris State University Social Media Policy
- Proper Use of Information Technology Resources
- Use of Electronic and Information Technology Accessibility
- Mobile Communication Devices Policy
- Employee and Student Dignity - BOT's Policy
- Policy on Non - Discrimination - BOT's Policy
- Political Activity - BOT's Policy
- Employee Dignity/Harassment/Discrimination – HRPP
- Political Activities of Employees – HRPP
- Internet Privacy Protection Act (2012 PA 478, MCL 37.271 et seq.)

Consider the Following:

- Policies are not optional.
- Little or no prohibition regarding the use of social media with students, others, the content of those communications, and the platforms used.
- Personal and professional use of social media sometimes are difficult to distinguish.
- Comments/posts made using personal social media may impact your professional career.

ALSO CONSIDER:

- Social media's impact often is immediate.
- Social media's content often has a long life.
- Social media content is often used in employment disputes and litigation.

Consequence: Sexual Misconduct

Social media content may be interpreted as a violation of Title IX

- Sexual Harassment through social media during business and non-business hours.
 - persistent messaging, liking, commenting
- Evidence of an inappropriate relationship and/or communications with a current or former student.

Consequence: Discrimination

Social media content may be evidence of discrimination

- Comments, posts, or likes that indicate discrimination on the basis of a protected class (e.g., race, color, national origin, sex, religion).
- Social media often produces direct evidence of discrimination.

Consequence: Defamation

False statements can lead to a charge of defamation (libel)

- Controlling law: MCL § 600.2911 and common law principles.
- Elements of a defamation claim in MI:
 - False and defamatory statement
 - Unprivileged publication to third parties
 - Fault amounting to at least negligence on the part of the publisher
 - Either actionability of the statement regardless of whether there is special harm or the existence of special harm caused by publication

Consequence: Privacy Issues

Some speech may violate privacy laws or other confidentiality obligations

- Relevant privacy laws:
 - FERPA and HIPAA
- Other confidentiality obligations:
 - Disclosure of information impacting University business services or security.

Consequence: Academic Freedom

Not all speech is protected, including social media content

- AAUP - Academic Freedom and Electronic Communications
- Not all speech made by faculty falls under the scope of academic freedom.
- Pickering/Garcetti Balancing Test:
 - Did employee speak as an employee or a citizen?
 - Official Duties Test
 - Was the speech on a matter of public concern?
 - Government's interest in promoting efficient operations v. employee's free speech interest.

Consequence: Hiring Process

Social media gives access to information that may or may not be considered in the hiring process

- Pre-Employment Inquiry Guide (Michigan Department of Civil Rights).
- Controversial social media content could influence the hiring process for future employment opportunities.