CHAPTER 11

Social Media Policies for Journalists

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ABSTRACT

As social media tools have become prevalent ways for people to share and connect, journalists have increasingly incorporated these tools into their daily practice. However, the rapid expansion of social media tools has presented challenges for journalists and for news organizations as they seek to engage and inform their audiences while adhering to long held professional norms. This chapter reviews social media policies of several print, online, and broadcast journalism institutions to find common themes and concerns. Major issues addressed in this chapter include transparency, balancing the personal and the professional, maintaining confidentiality, rules for friending and following, intellectual property matters, and breaking news on social media.

The president was in what he thought was an off-the-record discussion with a pool of White House reporters. Less than a week before, Kanye West had famously interrupted country music star Taylor Swift's speech during the Video Music Awards, and a reporter from CNBC casually asked what President Obama thought about West's outburst. An ABC employee, listening on a shared live feed of the discussion, circulated Obama's slightly crude response, and soon after, Nightline co-anchor Terry Moran sent out the following on Twitter: "Pres. Obama just called Kanye West a 'jackass' for his outburst at VMAs when Taylor Swift won. Now THAT's presidential."

Before ABC officials could respond or make a decision regarding whether this should be published, the damage was done. Moran had more than one million followers on Twitter, the microblog site created in 2006 that allows

users to share information through "tweets" 140 characters or less in length. Even though Moran later deleted the tweet, the word was out. ABC was widely condemned for its lack of professionalism in the matter, and the network soon issued an apology, noting that its "employees prematurely tweeted a portion of (Obama's) remarks that turned out to be from an off-the-record portion of the interview. This was done before our editorial process had been completed. That was wrong."[1]

Social media tools present great opportunities for communicators, including news media professionals, to engage with the audience in ways impossible just a decade ago. However, the benefits social media allow communicators are tempered by the risks inherent in tools that allow messages to be sent immediately and spread rapidly. Further, laws and professional ethics policies drafted with a 20th-century understanding of mass media may not be in tune with communication tools that emerge, develop, spread, and change constantly.

In the aforementioned situation involving the rogue tweet of a Nightline co-anchor, the statement by ABC News concluded with the following: "We apologize to the White House and CNBC and are taking steps to ensure that it will not happen again."[2] But what steps can media organizations take to prevent embarrassing, unprofessional, or even illegal behavior when its employees use social media tools?

Several news media organizations have developed guidelines and policies for employee use of social media. These have been catalogued and discussed by professionals,[3] and there is no shortage of blog posts about social media risks and best practices warehoused at sites such as socialmediagovernance.com. However, social media policies have not yet been subjected to any greater academic scrutiny in light of the legal and ethical demands of the journalism field. The purpose of this chapter is to build understanding of social media policies in this context, cataloguing the chief concerns of journalists and outlining best practices in developing such policies.

Despite such risks, journalists cannot avoid engaging their audiences through social media. News media companies have incorporated social media into their plans, trying to build online followings as print circulation and broadcast audiences have dwindled. Facebook and Twitter have become essential publishing platforms for journalists, with nearly every newsroom employing a social media editor of some kind.[4] As Snapchat has grown in popularity, particularly among younger audiences, journalists have also begun to explore the platform's possibilities for news, with the New York Times, Buzzfeed, ESPN, the Wall Street Journal, CNN, Fusion, NPR and more establishing a presence.[5]

The widespread use of social media by journalists has triggered most news companies and professional organizations to develop guidelines for

best practices, either in their codes of ethics or in stand-alone social media policies. When the Society of Professional Journalists (SPJ) revised its Code of Ethics in 2014, it attempted to make it clear that the principles applied to all forms of communication by journalists, encouraging "use in its practice by all people in all media."[6] Two other major professional groups—the Radio Television Digital News Association (RTDNA) and the American Society of News Editors (ASNE)—have issued guidelines for social media use. However, these have come under fire from several critics who have worked to build community engagement for news media.

In this chapter, the policies of news media companies and professional organizations are reviewed to examine how they define social media tools and determine how guidelines about them should apply, the main topics the policies addressed, and themes regarding the way these organizations advised practitioners to handle the particular challenges of social media. The views of critics who have found these policies to be too restrictive are also presented. The chapter concludes with best practices for designing social media policies for journalists in light of the policies discussed and the previous chapters of this book.

DEFINITIONS AND DESCRIPTIONS OF SOCIAL MEDIA

To provide a foundation for designing best practices for journalists using social media, the way journalism organizations define and describe social media was examined first.

Most journalism organizations reviewed—including the American Society of News Editors, the Associated Press, the *Austin American-Statesman*, the British Broadcasting Corporation (BBC), ESPN, the *Los Angeles Times*, National Public Radio, the *New York Times*, Politico, Reuters, the Radio Television Digital News Association (RTDNA), the *Roanoke Times*, and the *Washington Post*—list specific tools such as Facebook and Twitter in their social media policies. The *New York Times* specifically mentioned LinkedIn, a SNS aimed at connecting professionals.

The tone of the policies and guidelines was generally accepting of the fact that social media had emerged and should be dealt with according to usual newsroom standards. When the Associated Press updated its guidelines in 2011, it moved away from a more restrictive policy to one that encourages all of its journalists to have accounts on social media sites because they have become "an essential tool for AP reporters to gather news and share links to our published work."[7]

The necessity of dealing with social media issues is perhaps best summarized with the following opening passage from the RTDNA guidelines:

> Social media and blogs are important elements of journalism. They narrow the distance between journalists and the public. They encourage lively, immediate and spirited discussion. They can be vital news-gathering and news-delivery tools. As a journalist you should uphold the same professional and ethical standards of fairness, accuracy, truthfulness, transparency and independence when using social media as you do on air and on all digital news platforms.[8]

One issue that has arisen is not just what qualifies as social media, but also to whom the guidelines should apply. In 2012, for example, a freelance writer for the *New York Times* engaged in an "insulting and profane" tirade on Twitter against author Jennifer Weiner. The *Times'* associate managing editor for standards, in a company-wide email, made it clear that its social media guidelines "also apply to freelancers in connection with their work for *The Times*." Ultimately, the *Times* suspended the freelance writer from column writing duties for four weeks.[9]

MAJOR THEMES FROM JOURNALISM SOCIAL MEDIA POLICIES

The most comprehensive effort to date to build a social media policy for news organizations was completed by ASNE in 2011, when its Ethics and Values Committee issued its "10 Best Practices for Social Media." The guide includes references to 18 other social media policies from news organizations, and included the following 10 guidelines:

1. Traditional ethics rules still apply online.
2. Assume everything you write online will become public.
3. Use social media to engage with readers, but professionally.
4. Break news on your website, not Twitter.
5. Beware of perceptions.
6. Independently authenticate anything found on a social networking site.
7. Always identify yourself as a journalist.
8. Social networks are tools, not toys.
9. Be transparent and admit when you're wrong online.
10. Keep internal deliberations confidential.[10]

Embedded in these 10 guidelines are several themes common to other social media policies for journalists. These themes include transparency, friending matters, clearance and review, sourcing, balancing personal and private matters, confidentiality, and intellectual property concerns. Each is discussed briefly below.

Transparency

The SPJ Code of Ethics calls for journalists to identify sources when possible and to "avoid undercover or other surreptitious methods of gathering information" in most situations.[11] This call for openness in reporting methods is reflected in the social media policies as well, most of which demand that journalists identify themselves as journalists in two particular circumstances. First, they should always identify themselves as journalists who are representing a particular organization before posting comments or updates on social media sites, blogs, or while commenting on other news stories. As National Public Radio notes:

> Just as we do in the "real" world, we identify ourselves as NPR journalists when we are working online. So, if as part of our work we are posting comments, asking questions, tweeting, retweeting, blogging, Facebooking or doing anything on social media or other online forums, we clearly identify ourselves and that we work for NPR. We do not use pseudonyms when doing such work.[12]

The RTDNA extends this to avatars and forbids anonymous blogging, and Reuters extends it to chat rooms.

Second, journalists should also be transparent about who they are when they contact potential sources for reporting purposes. The *Wall Street Journal* requires that its employees never "us(e) a false name when you're acting on behalf of your Dow Jones publication or service" and always self-identify as a reporter for the *Journal* when gathering information for a story.[13]

Friending and Following

Journalists are called to "act independently" under the SPJ Code of Ethics, in particular by avoiding conflicts of interest, "real or perceived." This concern is at the heart of statements in nearly every news organization social media policy reviewed in this study, reflected by specific guidelines for who can be added to a list of "friends" or what organizations or movements journalists can become a "fan" or "follower" of. Journalists are warned to be careful in who they associate with online for fear of compromising their appearance of independence and neutrality.

First, becoming a "friend" of a source or subject of coverage invites risk. The *New York Times* 2009 policy asked, for example, if reporters can write about someone who is a friend on a SNS before concluding:

> In general, being a "friend" of someone on Facebook is almost meaningless and does not signify the kind of relationship that could pose a conflict of interest for a reporter or editor writing about that person. But if a "friend" is really a personal friend, it would.[14]

The *Wall Street Journal* requires approval by an editor before a source who may demand confidentiality can be added as a friend. "Openly 'friend-ing' sources is akin to publicly publishing your Rolodex,"[15] according to the *Journal*'s policy. Issues can also arise in newsrooms between managers and employees who may be "friends" in social media. The AP says that managers "should not issue friend requests to subordinates, since that could be awkward for employees. It's fine if employees want to initiate the friend process with their bosses."[16]

Second, becoming a friend of a person involved in a controversial issue, or becoming a fan of a movement, may present issues. Reuters notes that its duty to be "responsible, fair and impartial" may be compromised when journalists "'like' a post or adopt a 'badge' or join a 'cause,'" though it defers to the judgment of individual journalists to handle this as circumstances dictate.[17] NPR forbids its reporters from advocating "for political or other polarizing issues online," a policy that extends to using social media "to express personal views . . . that you could not write for the air or post on NPR.org."[18] The *Roanoke Times*, however, is more flexible, advising caution and consistency:

> You may sign up for a group or become a "fan" of something, perhaps even to get story ideas, but others could construe that as bias toward a business or organization that the newspaper covers. If you follow a group or account that represents one side of a controversial issue, seek out the group that represents the other side and follow them as well . . . Manage your friends carefully. Having one source on your friends list but not another is easily construed as bias. Be consistent: Accept no sources or people you cover as friends, or welcome them all.[19]

Clearance and Review

News organizations generally require journalists to receive clearance from editors or managers before engaging in social media or releasing news items publicly. While most policies were less formal—as NPR advises, "when in doubt, consult with your editor"—others required specific clearances.[20]

ESPN, for example, requires employees to receive permission from supervisors before "engaging in any form of social networking dealing with

sports."[21] Similarly, the Roanoke Times requires employees who blog to "notify their immediate supervisor that they have or regularly participate on/contribute to a blog, and talk through any potential conflicts of interests or complications."[22]

Sourcing

The SPJ Code of Ethics requires journalists to "test the accuracy of information from all sources," a demand that can be challenging when reporters use social media tools to engage with sources. A healthy skepticism of sources contacted or uncovered through social media tools is built into many of the news organizations' social media policies.

The RTDNA treats information found on social media sites as similar to "scanner traffic or phone tips,"[23] which must be confirmed independently. Similarly, the *Roanoke Times* notes that "Facebook and MySpace are not a substitute for actual interviews by phone or in person, or other means of information gathering, and should not be solely relied upon," instead requiring offline confirmation and verification of claims made through these sites.[24]

The Associated Press and the *Los Angeles Times* specifically extended requirements of verification and authentication to retweeting items found on Twitter. As the AP notes: "Sources discovered [on social networks] should be vetted in the same way as those found by any other means."[25]

Personal vs. Professional

The primary concern expressed in social media policies of news organizations was blurring of the line between a journalist's personal life and his or her professional life. Several policies, such as those of the *Los Angeles Times* and NPR, suggest that journalists assume that there is no divide between one's professional life and one's personal life. "[E]verything you write or receive on a social media site is public," as NPR notes.[26]

NPR and the *New York Times* extend this caution to reporters expressing personal opinions, in a similar manner to concerns about following or becoming a "fan" of a political person or movement mentioned above. As the *Times* notes, "Anything you post online can and might be publicly disseminated, and can be twisted to be used against you by those who wish you or *The Times* ill—whether it's text, photographs, or video."[27] The AP notes that expressions of opinion "may damage the AP's reputation as an unbiased source of news" and thus employees should avoid "declaring their views on contentious public issues in any public forum" such as social media.[28]

Reuters says its policy is "not to muzzle anyone," but it recommends that employees should "identify ourselves as Reuters journalists and declare that

we speak for ourselves, not for Reuters."[29] The *Roanoke Times* is similarly less restrictive, instead suggesting that social media posts "be crafted with concern for how they might reflect on our news products or our reputation for fairness and professionalism."[30]

Confidentiality

Several social media policies demand that journalists avoid revealing confidential information. The AP forbids "(p)osting AP proprietary or confidential material,"[31] while the *Wall Street Journal* advises journalists to avoid discussing "articles that haven't been published, meetings you've attended or plan to attend with staff or sources, or interviews that you've conducted."[32]

Intellectual Property

While a concern about intellectual property rights was not common in these social media policies, they were noted in different ways in a few policies. The *Roanoke Times* and NPR both made it clear that the company owned copyrights on the materials created by its employees and that employees should not violate those rights on social media. As NPR notes, linking to stories on NPR.org is fine, but employees

> may not repost NPR copyrighted material to social networks without prior permission. For example, it is o.k. to link from your blog or Facebook profile to a story of yours on the NPR site, but you should not copy the full text or audio onto a personal site or Web page.[33]

The BBC expressed similar concerns about using creative works elsewhere on the web, encouraging its employees to make sure the BBC has the "necessary rights to any content we put on a third-party site" and that the company is "aware of, and comfortable with, the site's own terms and conditions," which may limit uses to personal or non-commercial purposes.[34]

CRITIQUES OF JOURNALISM SOCIAL MEDIA POLICIES

After the ASNE issued its guidelines—which largely include the themes discussed above—the response from the digital journalism community was swift and hardly complimentary. Steve Buttry, formerly the director of community engagement and social media for the Journal Register Company

and a widely-respected news editor, said the ASNE guidelines reflected a fear of social media—"Their need to control remains an impediment to innovation"—and called the underlying policies used as sources "far more fearful and restrictive than they should be."[35] Joy Mayer, a longtime journalism teacher who specializes in audience engagement, noted that there were some good things in the guidelines, but that it also included some "real missteps."[36]

The major critiques of the aforementioned policies particularly targeted two topics: Friending policies and handling breaking news.

Who's a Friend?

The ASNE guidelines caution journalists about whom they follow on Twitter and whom they select as friends on Facebook. This warning came under the heading "Beware of Perceptions," which Buttry said was overly cautious. "The tone of fear and restriction here and in the lengthy discussion of 'friends' is unnecessary," Buttry wrote. "I don't think journalists need more here than simple advice to consider appearances when sharing links and using social media to connect with sources."[37]

Similarly, Mayer expressed concern that such a policy would restrict experimentation among editors. Further, she said that in the discussion of this guideline the ASNE suggests that journalists who friend sources and should then hide their friend lists contradicted another important tenet—transparency.

Breaking News

The most controversial of the ASNE best practices was the call to "break news on your website, not on Twitter." The ASNE policy calls for balance between "getting the information out" and "waiting for a story to move through the editorial pipeline," but it favors holding back breaking news from Twitter because it may damage the "main value" of social media—driving traffic to the news organization's website.[38] This practice was mirrored later in the year when ESPN announced similar guidelines for its employees.[39]

Mayer said she was "horrified" when she first read of the ASNE's policy because it undercut journalists' ability to be "a relevant, quick part of ongoing conversations."[40] Buttry said this guidance was "as foolish as the silly old newspaper fear of 'scooping ourselves' by publishing stories online before they have been in print."[41]

While both Buttry and Mayer said some caution is warranted in breaking news situations, particularly when there are details that need to checked for

accuracy, they thought this policy would make it more difficult for journal-ists to take advantage of the positive aspects of social media—using it as a tool for community engagement, crowdsourcing, and verifying information gleaned from social media users. Buttry offered the example of NPR's Andy Carvin, who would often retweet unconfirmed information from sources during times of strife in the Middle East, but would raise questions and ask his Twitter followers "to help verify and refute" facts streaming in from his various sources.[42]

BEST PRACTICES FOR DEVELOPING SOCIAL MEDIA POLICIES

John Paton, CEO of Digital First Media, once stated his three employee rules for using social media as follows:

"1.
 2.
 3."[43]

This minimalist approach—one that trusts journalists to make responsible decisions while using social media—is the antithesis of the reality for news organizations. In general, news media social media guidelines for employees seem to be quite restrictive, both in terms of what kinds of social media tools are typically used and how they should be used. Critics have rightly assailed these policies as damaging to the essential nature of social media tools. However, the policies from both perspectives so far seem to avoid addressing the legal challenges presented by these tools.

Journalism organizations mostly focused on Facebook and Twitter, and the policies about these seem largely concerned with protecting the organization's status as an objective, neutral reporter of the news. This is to be expected considering the ethical demands of the field. However, it can also be unnecessarily limiting. One of the great benefits of social media tools is enhancing interconnectivity with the audience, and the journalism organization policies seem to inhibit the ability of journalists to engage the audience in this manner. When organizations such as the *New York Times* and NPR do not allow journalists besides those in the business of providing opinions to blog about personal or political matters, it limits how the audi-ence understands who journalists are and what they do. This policy may detract from, rather than enhance, transparency. If journalists cannot publicly "friend" some people or become fans or followers of their organizations, the audience may be left in the dark as to their motivations and affiliations.

Beyond transparency matters, the social media policies for journalists reviewed in this chapter have several weaknesses. For one, they do not specifically address several very important concerns of professionals. For journalism organizations, the rogue tweet of President Obama's off-the-record aside still seems likely to occur. While the policies mention using social media posts as sources of information and seeking clearances for breaking news, handling informal comments and items perhaps not suited for publication may fall in between the cracks of these policies. Further, journalism organizations should approach social media in a more expansive and inclusive manner, recognizing sites beyond Facebook and Twitter.

Location-based applications (such as Foursquare) and review sites (such as Yelp) were rarely mentioned in the policies, suggesting that journalists have either found little use for these tools or are unsure of dealing with any possible dangers they present. As social media tools develop, the social media policies should adapt to handle them. Broad statements of principles that guide engagement through social media tools can help practitioners, but specific advice for different sites is of value as well. These policies should be constantly updated.

Overall, the social media policy debate amongst journalists shows that while individual news organizations have developed social media policies that provide guidance to practitioners, there is much more work to be done to ensure that communicators understand the benefits and risks of the broad array of social media tools. Professional organizations such as SPJ and RTDNA should continue to revise and update their guidelines to make sure they are in line with current technology and the best practices in the field.

FREQUENTLY ASKED QUESTIONS

What Are the Five Things Every Social Media Policy for Journalists Should Address?

1. Transparency

Transparency is a hallmark of journalism. Professional standards require journalists to be honest about who they are and their methods, and deception is strongly discouraged. As such, journalism organizations should require employees to use their real names and to disclose their affiliations when using social media for work purposes. For example, a Twitter account used by J. Jonah Jameson for the *Daily Bugle* should be something along the lines of "JJJameson_DB" or should otherwise include a note that Jameson works for the *Bugle* in his profile information. He should not skulk about

using pseudonyms, either on Twitter or while commenting on stories on Facebook or elsewhere.

One of the great strengths of social tools is that they allow interaction with citizens. While citizens may hide behind false profiles or comment anonymously, journalists should not respond in kind, instead promoting honest communication and accountability to the public.

2. Friending and Following

Journalism organizations should make clear what the rules are for journalists who use social media accounts, both in their professional and in their private activities. However, such guidelines should provide some flexibility for journalists to maintain a private life in which they can participate meaningfully in democracy, culture, and relationships.

While fairness and objectivity are noted professional standards for journalists, these concepts have flaws, as noted by Bill Kovach and Tom Rosenstiel in their manifesto, *Elements of Journalism*.[44] More important, they argue, is independence from faction and avoiding conflict of interests. As such, journalists should be able to friend or follow whoever they wish, as long as they remain independent from those friends or causes and are transparent about any connections they may have. One possible policy would be urging journalists to maintain separate professional and private accounts—one for business, one for personal connections. However, even then, skeptical members of the public or subjects of coverage may uncover the journalist's private account, leading to potential embarrassment for his or her organization.

To avoid the appearance of conflict of interest or bias, once a journalist follows or friends one side of a cause, he or she should look to follow/friend other sides as well. And, perhaps most essentially, journalists should make clear in their profiles that personal statements are their own and not representative of their employer's thoughts.

3. Intellectual Property

Intellectual property matters—particularly copyright—present some of the greatest challenges for journalists using social tools. Journalism organizations should ensure that employees are of the mindset that anything not created by the organization needs permission from the copyright holder before it can be republished.

This means that hosting photographs, YouTube videos, and text from sites other than your own are all potentially dangerous. True, news reporting is one of the categories protected by the fair use doctrine (see Chapter 4), but because news is a commercial use, and because photographs and videos

are typically used in full, there is a strong likelihood that republishing them for news purposes does not qualify as fair use. Using trademarks is another matter—logos and such used for news reporting purposes has stronger protection under the Federal Trademark Anti-Dilution Act—but still, journalism organizations should be cautious of such uses without permission.

Therefore, journalism organizations should get in the habit of asking permission to use the works of others. Social media guidelines should establish a process for seeking permission and confirming that it has been granted. And when in doubt, journalists should seek the aid of their attorneys before publishing something that could cost the organization damages for infringement.

4. Sharing and Retweeting

The culture of social media is one of sharing, and journalists should recognize this for effective use of social tools. However, the culture of sharing does not automatically mean sharing has strong legal protections.

First, before posting the video, audio, or words of another person, journalists should consider potential intellectual property and copyright issues (see Intellectual Property, above and in Chapter 4). Then, journalists should provide proper attribution for the source of the shared material. If a reporter hears a news tip or breaking story from another organization, he or she should note the source in the social media post—for example, by using the HT ("hat tip") notation in Twitter.

The easiest and most widely accepted form of acknowledgment is the hyperlink. Journalism organizations should take advantage of linking to provide both background to their stories and credit where it is due.

Another very easy way to share information gathered by or stated by others on Twitter is the retweet, which has caused headaches for several news organizations such as the Associated Press, which generally discourages retweeting as a form of reporting. Retweeting is Twitter's form of sharing—either a link, a photo, a video, or even a tip or snippet of information provided by citizens. The culture of social media makes it clear that retweeting is not an endorsement, or even a statement that the underlying information is truthful. It's more of a "heads up" to the audience—though if a journalist has doubts about the veracity of a statement, or if it is yet to be independently confirmed, the journalist certainly should make this clear in the process of sharing.

Nothing in the law makes retweeting particularly dangerous for news organizations—Section 230 of the Communications Decency Act provides a robust shield against defamation and other tort actions for republishing the posts of others online (see Chapter 2). The greater concerns are accuracy and timeliness, both of which can be handled through proper use of social tools.

5. Breaking News

There is simply no legal justification for the notion that journalists should avoid breaking news via social media. If a journalist is confident in the facts and sourcing enough to publish, the consequences for error will likely be the same for publication online as it would be if the statement were made in broadcast or print.

While caution may be urged—for example, contentious issues or factual discrepancies should be cleared by an editor or lawyer before publishing on Twitter—journalists should feel comfortable publishing on a social platform. Twitter and Facebook are tools for publishing, not their own publications. News organizations may very well have strategic or financial considerations in mind when establishing a "no breaking news on Twitter" rule, but the law should be no more barrier for publishing online than it is offline.

Further, publications via social media have the opportunity to be corrected in real time. Previous social media posts can be deleted, though this may interfere with the goal of transparency. Instead, social media posts can include updates and corrections to steer the audience to accurate, updated information.

In short, if a news organization isn't comfortable publishing something, it shouldn't. The platform for publishing makes very little difference in the eyes of the law.

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