



Social Media Guidebook

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What is Social Media?

'Social media' has become the catch-all term that we apply broadly to new computer-mediated communication media – such as blogs, YouTube, Facebook, and Twitter. All of these are new media that athletes (and coaches, administrators, and organizations) now use frequently. Each group is learning that they must also deal with new issues that are arising from using the new media.

As we use social media, we encounter new and confusing situations that appear to have no existing baseline standard for action or resolution. Should athletes and coaches be friends on Facebook? Can an athlete use his or her blog to comment about a competitor? Is an athlete's personal Facebook profile private? Can an organization ban an athlete from using Twitter? The answers to these questions all involve a variation of the word 'probably' – as in "probably" or "probably not". But organizations and, to a lesser extent, coaches and athletes are looking for standardization and concrete regulatory answers. But is that even possible?

This guide will review the truly social media (Facebook and Twitter) and examine the legitimacy of organizational policies and guidelines. Tips for using Facebook properly and judiciously will also be provided along with potential legal issues arising from social media use. The goal of the short guide is to provide athletes with a deeper education about social media – and to forewarn athletes about potential social media situations they may encounter in the near future. Many situations require a "best judgment" response and this guide will, ideally, help refine athletes' best judgments in this area.

Hyperpersonal Communication

Hyperpersonal communication is the communication theory that says people reveal too much of themselves over social media and too quickly. Things we wouldn't talk about in person are much easier to disclose over Facebook chat or BBM because there are fewer in-person communication cues (like facial expression, tone, and body language). Be cautious when you chat – think about who you are talking to and if you'd chat about the same things with that person if you were talking face-to-face.

Guidelines vs. Policies

At the Sport Law & Strategy Group, we advise organizations to create Social Media Policies for themselves (for their internal operations) and as part of their communication strategy (for their interactions with external stakeholders like members and fans). We also advise organizations to create Social Media Guidelines that they can distribute to athletes, coaches, and members within the organization.

The difference between a 'policy' and a 'guideline' is very important.

Organizations should not attempt to regulate someone's use of social media – that's a policy. Social media is more than just a communication tool. Regulating medium use would be like telling someone they can't talk on the phone after 6:00pm – or they can't send a postcard to their family.

But organizations can have guidelines requesting that athletes use new media in a responsible manner. It is reasonable to ask athletes not to talk on the phone during a practice – and it is similarly reasonable to ask athletes not to use Twitter during a competition.

What's does your athlete agreement say?

Organizations often ask athletes to agree to a code of conduct or guidelines for athlete behaviour. For example, athletes may be asked not to disparage or speak badly about the organization in a public forum. If the athlete did so, then specific discipline would result.

This behaviour requirement can easily be extended to Twitter, Facebook, YouTube comments, or an athlete's blog – with the same consequences for bad behaviour. Simply, the behaviour that is already expected from the athlete is now also expected in the new media.

At the Sport Law & Strategy Group, we are advising organizations to update their conduct codes and guidelines to include social media use. When signing a new athlete agreement – ensure to read it carefully.

FACEBOOK TIPS FOR ATHLETES

1. Consider having a strategy for your own Facebook use.
2. Coaches, teammates, officials, or opposing competitors may all add you to Facebook. You are not required to be Facebook friends with anyone. If you do not want to be friends with someone on Facebook – feel free to deny the request. If you like, you can discuss your Facebook strategy with that person in person or by email.
3. Do not feel pressure to join a ‘fan page’ or a ‘Facebook group’ just because a coach or administrator has invited you.
4. If you do not want to engage with people on Facebook – explain to them that you prefer to interact with them via a non-social medium like phone or email.
5. Consider arranging your Facebook friends into groups – professional, social, family, business, etc – and restrict certain content on your profile to specific groups.
6. Set your privacy settings to restrict who can search for you and what parts of your profile your Facebook friends can see.
7. Material (photos, status updates, picture comments, interests, etc) you post on Facebook is public. In most cases, you do not have a reasonable expectation of privacy for any material that you post.
8. Understand the new Facebook photo viewer – it allows you to quickly untag yourself from unflattering photos and prevent other users from tagging you without your agreement.
9. Model appropriate behaviour on Facebook befitting your status as a) an elite athlete, and b) a member of your NSO. You have likely agreed to athlete conduct guidelines and must follow them when you post material and interact with other people on Facebook. Avoid posting offensive material or associating with controversial Facebook groups or viewpoints.

CASE EXAMPLE

Recently, a national level athlete had a poor experience at an international competition. The athlete was disappointed at his NSO's apparent disinterest or unwillingness to fully fund his team's entry into the competition. The athlete used Facebook to thank his funders and supporters (by tagging them in a note) but also included words of disgust directed at his NSO.

This athlete was unaware that by tagging a friend who was friends with an NSO board member, the athlete was essentially broadcasting his negative commentary to not just his small circle of friends – but to potentially hundreds of influential people – funders, teammates, opponents, coaches, officials, and organization staff.

Athlete criticism of NSOs is not new. But by moving the conversation from a private sphere of a few dozen friends or sympathizers – to a public sphere of hundreds of affected parties – the conversation snowballs and negative perceptions can be more easily spread.

Organizations may rightfully choose to address athlete behaviour on Facebook into a code of conduct. Or, as in this case, they may consider disciplining the athlete for publically disparaging the NSO.

Which organizations have social media policies or guidelines?

Not many. Yet. The Sport Law & Strategy Group is frequently being asked by sport organizations to provide social media advice and services.

The Canadian Curling Association (CCA) appears to be the first organization to introduce a 'social media user agreement and terms of use'. Unfortunately this policy does not refer to athletes' or coaches' use of social media.

The International Olympic Committee (IOC) attempted to restrict social media use at the Vancouver Olympic Games in 2010. The IOC admitted that the 2010 social media guidelines "were adapted to fit changed circumstances" during the Games (i.e., many athletes ignored them or didn't understand them in the first place) and the guidelines have been slightly revised for 2012.

As organizations muddle through determining what social media activities they can and cannot restrict (even the IOC was not above this initial muddling) it is imperative for athletes to have a voice in the genesis of these guidelines.

The IOC's 2010 guidelines contained the ridiculous requirement that athletes may take still photographs "*provided that such pictures do not contain any sporting action of the Games or the Opening, Closing or Medal Ceremonies of the Games.*" Quite obviously, given the hundreds of athletes taking cell phone pictures at the Opening and Closing ceremonies, this restriction was abandoned in the 2012 guidelines – which simply state that still photographs may not be used for commercial purposes.

Athletes' deliberate flaunting of that IOC guideline led to changes in the revised rules. Athletes must remember that, since social media use is evolving and not completely understood by everyone, there is room for their input in organizational social media policy development. If you don't like a restriction – speak up!

Legal Issues in Social Media

There are two main legal issues that get discussed in concert with social media use.

First – privacy – and how much privacy people can expect with social media. The short answer is “none”. If you post something on Twitter or Facebook it is not private. In fact, athletes have been disciplined for posting something they instantly deleted – the few minutes the controversial post was public was long enough for someone to take a screen capture and distribute the comment.

The second issue is defamation and that relates to posted material about other people (or material about you posted by someone else). Written defamation is also referred to as ‘libel’.

DEFAMATION

- Defamation is considered to be false and derogatory remarks about a person that serve to discredit his or her character and lower his or her standing in the eyes of a reasonably-thinking person. The common law of defamation protects reputation – not feelings.

There is a five part test to determine defamation: (1) the defamatory remarks are false and malicious, (2) they actually defame reputation, (3) they are directed at a specific person, (4) they are harmful, and (5) they are published. Judges have so far determined that (barring an unusually low number of Facebook friends) posting material on Facebook meets the fifth part of that test.

For example, it is not defamation to tweet that “a blind official cost me the match” but it could be defamation to tweet that “referee Joe Smith must have been bribed by the other team”. The second example appears to meet each of the five parts of the defamation test. Avoiding libelous statements on social media is relatively easy – but it is not unusual for an athlete to slip up and post something online that they would not say in real life. Remember hyperpersonal communication!

Can my organization ban me from using Twitter?

No. Not unless your athlete agreement says so.

Organizations can (and should) monitor the public content of your Twitter feed to ensure that you are following your athlete agreement and any athlete behaviour or conduct guidelines that you signed.

If your NSO is trying to ban you from using Twitter (or Facebook) – it is important to understand why they are making that decision and what you can do to influence it or negotiate a compromise.

For example, if your organization wants to ban Twitter because athletes are linking to their commercial sponsor's websites – then there are solutions available. The athlete could create a second Twitter account with the athlete and sponsor brand – which would be separate from the personal account with the Team Canada brand.

Making content concessions (which should subsequently be added to the code of conduct or athlete agreement) should signal to organizations that athletes, recognizing their status as role models and/or representatives of the NSO, are willing to accept some reasonable restrictions to social media use in return for independent freedom to use social media with their best judgment.

CASE EXAMPLES

In February 2011, an NCAA basketball player questioned his coach's tactics on Twitter. The coach responded by banning the entire team from using Twitter for the rest of the season.

In March 2011, an imposter pretending to be a WHL hockey player posted racist comments on Facebook. In response to the imposter's actions, the organization banned the player and his teammates from using Facebook.

Both of these examples demonstrate the lack of knowledge that some authority figures have about the nature of social media. It is entirely possible for organizations to try to ban a social medium. Athletes must react to stop this from occurring and provide input for reasonable social media guidelines.