



### USING SOCIAL MEDIA EFFECTIVELY



CONSULTANTS TO MANAGEMENT

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### Introduction



- How many of you read the newspaper today?
- How many of you have checked your Facebook, Twitter, or Instagram, TikTok (not the game) account today?

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### Introduction



### Stat of the Day

Country	Population
China	1,425,887,337
India	1,417,173,173
United States	338,289,857

### Social Media Platforms

Platform	Users
Facebook	2,936,000,000
YouTube	2,560,000,000
Instagram	1,480,000,000
TikTok	1,000,000,000

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## Introduction



- Pros:
  - Free and easy way to communicate
  - Widespread, instantaneous exchange of information (RSS feeds)
  - Increase problem-solving capabilities – survey residents, pulse of the community assessment
  - Provide live feed meetings without local cable access (Ustream)
  - Advance tourism/local business interests
  - Forum for ideas on how to improve government, administration or community relations
  - Facilitate meetings without travel
  - Potential to increase time and improve focus upon mission
  - Increase information flow to and from government
  - Increase community involvement (local businesses, residents, etc)

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## 1<sup>st</sup> Amendment (non-employee)



- Forbids the Government from engaging in unlawful censorship
  - Example:
    - A city cannot prohibit certain views from being expressed in one its public parks (think Alt-Right, Antifa, Etc.)
- How to analyze:
  - What type of forum is it?
    1. Traditional Public Forum (City Park)
    2. Designated Public Forum (Government space opened up to be used for expression)
    3. Non-public Forum (Government owned space not used for expressive purpose, like warehouses or offices)
    4. Limited Public Forum (Government employee message boards)
- U.S. Supreme Court has held that it is difficult for the government to restrict speech in traditional or designated public forums, but easier on balance to restrict speech in limited public forums and non-public forums

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## 1<sup>st</sup> Amendment (non-employee)



- Even in limited public forum and non-public forums the U.S. Supreme court has held that restrictions on speech must be reasonable and “view point neutral.”
- “View Point Neutral” means that the government cannot suppress some viewpoints but allow others on a particular topic.

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### What do Employers Do?



- Have a policy
- Vet policy by counsel
- Policy should specifically identify what comments are authorized and what are not.
  - For example, the policy can specify that obscene, defamatory, and other similar types of comments are not permitted.
  - The policy can also specify that comments have to relate to the matter originally posted
- Policy itself presumably must be designed to satisfy the stringent demands of forum analysis, including that the policy be “viewpoint-neutral” and the agency must be able to justify its restrictions on certain types of comments in a way that will satisfy forum analysis requirements

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### What do Employers Do?



- Clarify ownership of “official” accounts
- Clarify who can create, use “official” accounts
- Inform public site is monitored and posts may be deleted
- Prohibit dissemination of non-public confidential information through social media
- Reference Records Policy for Deletion of Records

\*Practice Point – If a government controlled social media site doesn't permit any public comment there is little to no risk because the site is the Government “speaking” not establishing a “forum.”

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### Social Media & Employees



- Can Employers discipline employees for off-duty social media comments, posts, etc. on
- Non-Employers social media sites?
- What standards apply for employee off-duty conduct?
- How “freely” may employees “speak”?

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**Balancing of Interests:**

If the Court does find that the speech is a matter of public concern, the balancing test is applied.

- *Pickering v. Board of Education*, 391 U.S. 563 (1968)

Pickering is the landmark case that established the balancing test that courts look to when analyzing whether the government has infringed upon one's right to free speech. The Court stated that one should give deference in the analysis to whether the speech impairs working relationships for which loyalty and confidentiality are important or whether it impedes the performance of duties or impairs discipline or harmony among coworkers. The Court further stressed that an employer does not have to wait to see if actual harm from the speech has taken place before taking action, but may act upon reasonable predictions of disruption.

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**Using Social Media**



- Now that we've covered the plethora of issues surrounding social media in the workplace – how can employers use social media in a crisis, often unrelated to any employment matter?
- First, what are the benefits?
  1. IMMEDIACY AND TIMELINESS
  2. Continuous
  3. Interactive

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**Using Social Media**



- Before Communicating via Social Media employers need to:
  1. Implement Policies to address potential vulnerabilities
    - Designate a single employee as the Public Information Officer – we do not want to many cooks in the kitchen
    - Policy should outline permitted and prohibited conduct
  2. Understand the response-ability of social media
    - Social media has reduced the window at which an organization has to respond in moments of crisis. Facebook has cut down crisis response time to around 12 hours; however on Twitter a crisis can spread in minutes.
    - How do we address this? Preparedness is crucial. This includes setting up a system for monitoring and responding to incidents beyond the traditional 9 to 5 workday.

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## Using Social Media



3. Establish a framework
  - Who will be responsible for making decisions and communicating directive.
  - Make sure all passwords to accounts are readily accessible to a designated team and in the hands of responsible partners.
4. Create a response toolkit
  - Whether it is a press release or prepared statement, an effective toolkit will include templates that the organization can use instantly.
  - Templates need to be preapproved, standardized and in sync with the rest of your response efforts.

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## Using Social Media



5. Know where to respond
  - If a story breaks out and word is spreading on Facebook – the first response should not be a press release to your local paper that gets published once a week.
  - In the social media age this is more important than ever.
6. Be honest
  - Continued transparency and communication will help keep the public informed and updated. Even sharing bad news will be appreciated for its honesty and will help reestablish long-term trust.

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## Biggest Benefits



1. **Engagement**
  - Whether you focus efforts on TikTok, Twitter, Facebook, or a different platform entirely, social media will always be a solid place to keep the general public informed and updated about important issues and engage with an audience on a deeper level.
2. **Show people who you really are**
  - leveling with you here... government doesn't exactly have the greatest rep'. There's an opportunity to shift perceptions by using social media for government communications and building a personal brand that is built on transparency.
3. **Recruitment**
4. **Public Service Campaigns**
5. **Stream Live Events**
  - Another great tool is Facebook Live. This can be used by all sorts of Government and Public bodies to host many events. Things like a town hall or council meetings, or of course a PR launch event.
6. **Crisis Management**
  - whether your role is to manage the timeline of a crisis or reassure the public that they can still use your services; Twitter, Facebook and even Instagram can be invaluable here.
7. **Real Time News Bulletins**

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**WARNING**

YOU WILL GET CALLED OUT....

Here's a brilliant example from congressman Eric Swalwell, who Tweeted a photo of a Pride flag with the caption, "I fly these flags 365 days a year." Unfortunately, Swalwell's followers quickly pointed out that the flag still had creases from being unpackaged moments earlier. Better luck next time, Eric.



Rep. Eric Swalwell  
@RepSwalwell

Follow  
I fly these flags 365 days a year.



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**Questions?**



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