

# April 2013

## Community Associations Newsletter

### Social Media: Should My Community Association Click "Like"?

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It seems like each day there is a new social media tool or application being introduced into the public. People are constantly “liking”, “tweeting”, “linking”, and “pinning.” While Facebook, Twitter, LinkedIn, Pinterest and the like are great tools for maintaining our personal connections, community associations are grappling with whether such applications are useful for communicating and disseminating information to the community membership.

#### **Benefits**

##### **Cost**

Most social media sites are free to use. As such, a community association can easily set up a Facebook page in lieu of paying a vendor to set up a community website as a means to communicate with the membership and have an online presence.

##### **Content Control**

Social networking sites have terms of use for their applications. When users breach these terms, such as posting disturbing or

defamatory content, the sites have procedures in place for removing illegal or improper content and postings. As such, the “policing” of the site is handled by the third-party provider once they are alerted to a specific problem and their procedures are followed.

##### **Community Involvement**

Community associations may find that the use of social media strengthens the association’s sense of community and fosters more interaction amongst the membership. Since most people use at least one social media application, it is very easy to engage the community in social media forums and discussion boards.

##### **Rapid Communication**

Because of the speed at which information can be disseminated using social media, important information such as weather events, emergencies, community notices and reminders, can reach the membership timely.

## **Cautions**

### **Which Site/Medium to Choose?**

With the variety of options available, it is important for the association to not be overly ambitious by setting up an account on multiple sites. We suggest testing the water with one site first, and drafting your policies to that effect. It is also important to be wary of “information overload”, as providing too many communications to the membership may result in the communications being ignored.

### **Populating the Site**

In the case of any website or social media tool, someone will need to provide content to the application. In some cases, it may be the community manager. In other cases, it may be a volunteer owner, chair of a communications committee, or a Board member. Whatever the case, the association should establish clear guidelines regarding who has the ability to populate the site and what kind of content is appropriate.

### **Maintaining Control of the Site/Account**

Board members come and go, including whoever is initially tasked with creating and monitoring the social media site. It will be extremely important to set up the account so that the Board can communicate with the media provider and have the authority to delete/edit content on the account and change access passwords; otherwise one individual could control the content and

access to the site. Additionally, any email account that may be required to create the social media account should be one created solely for that purpose, or a general email for the Board – not the personal email of the member responsible for populating the site.

### **Monitoring**

Once the social media application is being utilized, someone will have to continually monitor the content. Although social media sites have procedures in place for handling improper content, those procedures are usually only triggered once the site is notified of the problem. As such, the site will have to be reviewed on a periodic basis.

### **Negative Postings**

When the membership is permitted to post or tweet commentary on a social media application, there is a chance that such communications may be negative and critical of the administration and management of the association. In some cases, the posting can even be considered defamatory or libelous, or can contain information that is deemed private or proprietary. As such, it is important for the association to have clear terms of use for the social media site and periodically monitor the content.

### **Ownership**

Because the association does not own the social media platform, there is no guarantee that the association will be able to use it

indefinitely. If the social media site is sold to a third party, goes out of business or opts to remove the association's online presence completely, there is little recourse for the association. As such, the association should always separately back up any content posted on social media.

### **Communication Requirements**

The association should treat any communications provided through social media to the membership as being supplemental to, rather than a replacement for, any legally required notices.

### **Know Your Audience**

If a large segment of your community has not joined the digital age, pursuing social media may not be an efficient use of the association's time and resources.

### **Content May be Admissible in Court**

The association should be aware that any postings/communications provided through the social media site may be considered "Business Records" of the association and therefore could be discoverable and used as evidence in court proceedings involving the association.

If your association has questions about whether social media use is appropriate for your community, please do not hesitate to contact one of our community association practice group attorneys.