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lifechanging

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"Social media is a complete minefield and incredibly difficult to moderate and mediate - so how do you handle it in the context of complaints from the public, especially postings critical of staff that have not been investigated or validated?"

The relationship between you and those who might be using social media

Some element of control…in our case, students
A smaller element of control – service users

The general public

Commenting about you? About others?

No answer, but rather some questions to help you shape your own

- How do you define your terms?
- How do you define your jurisdiction?
- How do you manage behaviour on social media?
- What impact does the law have on this?
- How can you plan so you are better equipped?
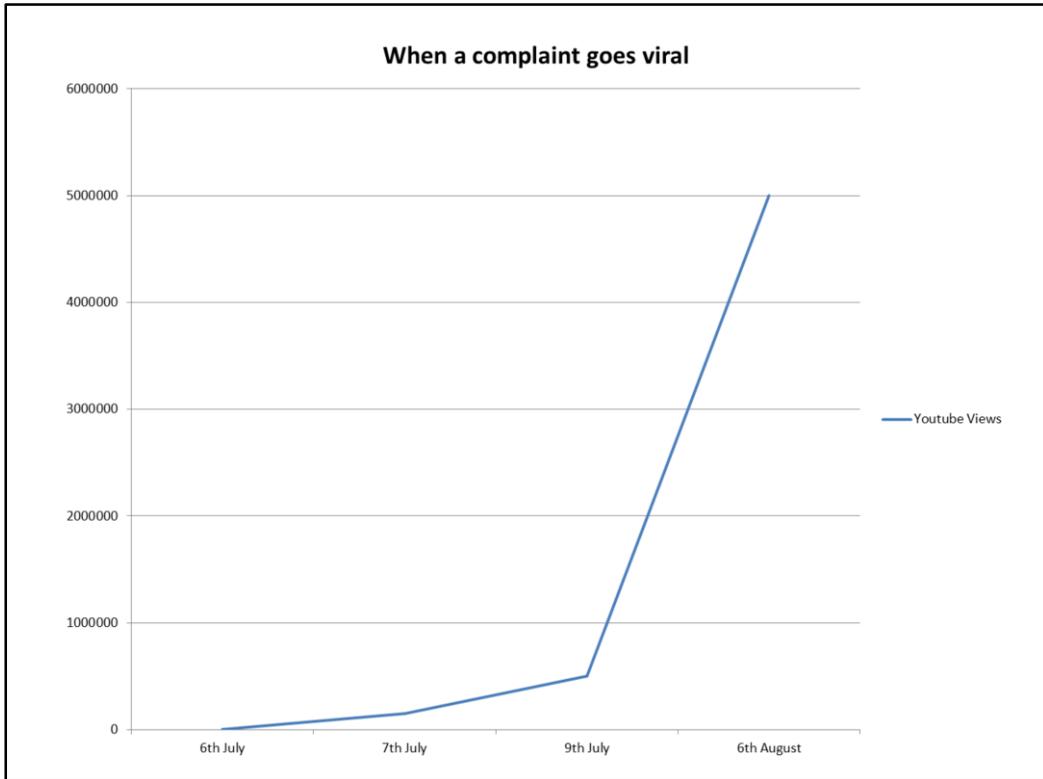- What do you need to watch for?

An example of social media reach...

Dave Carroll (http://www.davecarrollmusic.com/main/) is a Canadian musician who took a flight with United Airlines in 2008.

They broke his guitar. He alerted employees at the airport, who 'showed complete indifference towards me'.

So he filed a claim. And UA rejected it, as he had failed to make it within their 'standard 24 hour timeframe'.

Dave negotiated with UA for nine months, but they refused to budge. So....

http://www.youtube.com/embed/5YGc4zOqozo?rel=0&autoplay=1

When a complaint goes viral — Youtube Views

Day 1: 150,000 views...
Day 3: 500,000 views...
One month: 5,000,000

By April 2014...nearly 14 million

A frequently quoted example of social media complaints...and of terrible PR and customer service

(and he got two new guitars.)

This one dissatisfied person's case ended up being in the top six hits on Google when people searched for this $15 billion dollar company.

Social media profile matters to organisations. For example, see (my emphasis in the quote):

http://money.uk.msn.com/features/social-media-the-quick-way-to-get-complaints-resolved

'When the issue remained unresolved he used the Data Protection Act to request the company's file on his case and was shocked to see it contained a note saying: "He has 1,935 followers on Twitter so think we need to deal with this as an escalation."'

A more local example

Would you take action?

What if this was a conversation heard in the pub?

What if the @ sign was missing?

Is this disrespectful or abusive? If so, to whom?

Think about your answers.

Social media - who are we listening to?

People talking *to* us

People talking *about* us

...the distinction can be important. It certainly can be to the people posting.

Two categories of social media postings that involve us.

In the second, people may not even realise we are listening.

They may talk in a way they would not talk to us. They may simply be expressing an opinion and not expecting a response.

This raises issues of when we should respond and how, and considerations of freedom of expression.

Blurring boundaries

- The tension of public space vs. private space
- A public setting, but one in which people are often living out that which used to be private
- Genuinely private information which is brought out of the private sphere by others
- Issues of anonymity

Thinking of social profiles as a physical space – "mine"…our space, bringing people in

The pub conversation

"But it wasn't intended for you"

Sometimes social media posts are brought to our attention by others, breaching the privacy that had been set up. Does that influence how we should act or whether we should act?

Is it abusive if the person being abused does not know about it? In law there is (Communications Act)

What do you do about anonymous postings? Or anonymous complainants?

The critical task

...is to be prepared. Work out your strategies and policies *now*.

Spot

Categorise: Engage, Monitor, Ignore

Acknowledge

Act

Spot: think about how you will monitor. Active vs. reactive.

Categorise: think about what kind of issue this is. Helps decide whether to engage, monitor or ignore.

Acknowledge: if you're engaging, let them know, even if it is just a holding response.

Act: do what's needed. Feed it back. Make decisions on how and where you feed it back.

Develop your 'house rules'

- Define who is responsible
- Define your boundaries of acceptability
- Think about escalation
- Plan what to do when there's a wildfire
- Set standards for response times
- Consider the right time to move offline
- Decide who can apologise - and when

Escalation: ask yourself a series of questions: what would trigger alerting senior management? What would trigger alerting whoever is responsible for discipline or action? Or the Press Office

Wildfire: when to make that judgment call. How to spot when it's building. Think about what it would make you do differently. Don't overreact...it's easy to click a 'Like' or 'Retweet' button, but you have to be sure it's a genuine expression of deeply felt concern.

Response times: people will have expectations shaped by other interactions on social media. A few years ago if you mentioned a company it was a pleasant surprise if you got a response. Now it is an expectation. BBC 'One Show' – contacted five companies by email and by Twitter. By Twitter: fastest response 3 mins, slowest 1 hour 10 mins. By email: after 24 hours only one had even responded at all.

(http://www.bbc.co.uk/consumer/24149289). Be careful about setting up unrealistic expectations though, e.g. by replying once on a weekend, it can create an expectation of 24/7 service.

Taking it offline

- Acknowledge then **take it offline**
- Don't forget that you have established processes – and say so
- Be careful about pre-emptive apologies (esp. if seem to acknowledge blame)

Moving offline: be mindful of confidentiality and of washing dirty laundry in public. It can be ideal to acknowledge on social media, take offline and discuss with the complainant and resolve, and then post back a wrap-up to the social media so others can see it's been addressed. Sometimes, the complainant will also chime in and turn it into some positive PR. Don't forget that you have established processes for dealing with complaints – if you can't resolve it informally, make it clear to the complainant that those processes are the way to deal with their case.

Apologies: social media handlers might be tempted to apologise to calm a complainant down. Be wary of doing this if you don't know if the institution has done anything wrong. Recognise their anger/distress instead, and promise that it will be looked at.

– if you can't resolve it informally, make it clear to the complainant that those processes are the way to deal with their case.

Defining unacceptable behaviour

- What is it? How will you deal with it?
- Unacceptable language
- Threatening or abusive (abusive to whom?)
- Inappropriate content
- Have policy in place to guide service users

- What's your 'dividing line'

Consider abusive messages towards the institution, and towards individuals, differently.

What are your tolerance levels? Is talking *to* different from talking *about*?

We have a duty of care to protect our staff and our service users.

If a complainant is being abusive about the organisation, think carefully about when it is worth responding. It may create more negative publicity than the original post. A famous person has a lesson for us on this, which we'll come to shortly.

It may not just be us who take an interest…

Second-year student from a Welsh University jailed for 56 days for tweets about footballer Fabrice Muamba

Final year Law student from a north-east University sentenced to two years community service after racist tweets to footballer Stan Collymore

The long arm of the law

- Much that we might consider abusive is *potentially* a criminal offence
- When would we choose to involve the police?
- What do we do when the police are involved first?
- When might the police act, and on what grounds?

Be clear on when might and might not involve the police

Do we deal with it ourselves? What do we do if the police are already involved? Follow our standard disciplinary approach. Make sure your press office are aware!

Public Order Act 1986
(as amended by Criminal Justice and Public Order Act 1994, Racial and Religious Hated Act 2006, Criminal Justice and Immigration Act 2008)
– if intent is and likely to stir up racial hatred or religious hatred or sexual orientation
-A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he— (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress.

Malicious Communications Act 1988 and Communications Act 2003
-an offence to send a message by means of a public electronic communications network which is grossly offensive, or of an indecent, obscene or menacing character.

Terrorism Act 2006
-- 'encouragement of terrorism' which includes making statements that glorify terrorist acts

-Protection from Harassment Act 1997

Threats should be 'credible', but non-credible threats can be prosecuted if they constitute harassment.

Eady J in the civil case of *Smith v ADVFN* [2008] 1797 (QB) in relation to comments on an internet bulletin board:

"... [they are] like contributions to a casual conversation (the analogy sometimes being drawn with people chatting in a bar) which people simply note before moving on; they are often uninhibited, casual and ill thought out; those who participate know this and expect a certain amount of repartee or 'give and take'."

Will only proceed if comment is more than
Offensive, shocking or disturbing; or
Satirical, iconoclastic or rude comment; or
The expression of unpopular or unfashionable opinion about serious or trivial matters, or banter or humour, even if distasteful to some or painful to those subjected to it.

"Context is important and prosecutors should have regard to the fact that the context in which interactive social media dialogue takes place is quite different to the context in which other communications take place. Access is ubiquitous and instantaneous. Banter, jokes and offensive comments are commonplace and often spontaneous. Communications intended for a few may reach millions.

Against that background, prosecutors should only proceed with cases under section 1 of the Malicious Communications Act 1988 and section 127 of the Communications Act 2003 where they are satisfied there is sufficient evidence that the communication in question is more than..." (quoted on slide).

NB 'Revenge porn' – not just about whether the image is obscene or offensive, but whether the *post and its intent* is grossly offensive, obscene etc.

from: CPS Guidelines on Prosecution: http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

Who's that walking over MY bridge?

When not to engage:

- when the sole intent is to provoke you into engagement
- and when no resolution is possible (or even sought)

The ... Effect

Photographer had a publicly available collection of 12,000 photos of the California coast as part of a project to document coastal erosion.

This one happened to show Barbara Streisand's house. It had only been viewed four times by members of the public. Streisand sued the photographer for violation of privacy. In the following month nearly half a million people viewed the photograph.

The Streisand Effect shows how trying to hide or suppress information can lead to it being publicised even more widely...but the same principle can be applied to responding to dissatisfaction on social media.

Average tweets per day = 500 million

What we can do to prepare

- Have clear policy
- Think about our definitions and jurisdiction
- Communicate both to service users
- Have clear lines of responsibility and approaches to escalation
- Importance of warnings.
- Preserve evidence!
- Learn…

Which policies apply? Do you have a social media policy?

What definitions do you have?

Escalation: ask yourself a series of questions: what would trigger alerting senior management? Or the Press Office?

Back to our example...

Who is the student talking to?

Would it be different if we

Dealing with different views. Can be very different outlooks from staff on e.g. offensive language.

Lack of understanding of social media and how it works 'why doesn't the university just delete the tweet/take the page down'

Concern about slippery slopes: if we tolerate service-users behaving in this way, won't they be more likely to do so face to face?

Thank you. Questions welcome.

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