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New York University

University Policies

Title: **Electronic Communications and Social Media Policy**

Effective Date: _____, 2014

Supersedes: Not Applicable

Issuing Authority: Senior Vice President for University Relations and Public Affairs

Responsible Officer: Vice President for Public Affairs

Policy

New York University (the “University”), including the schools, colleges, institutes, and other administrative units of NYU, NYU’s Global Network University sites, and all University affiliates, as each term is defined in NYU’s Policy on Policies (together, “NYU”), supports and encourages open discourse by members of the University Community through the use of Electronic Communications, which encompasses Social Media, while at the same time seeking to address the concerns associated with such use.

Purpose of this Policy

This policy:

- Promotes awareness within the University Community regarding the benefits and risks (including privacy-related risks) of Electronic Communications;
- Helps create a safe learning and working environment at NYU;
- Helps to ensure the confidentiality of personally identifiable information in accordance with applicable laws, regulations, and NYU policies;
- Strives to protect NYU Marks (i.e., NYU’s name, logos, trademarks, service marks, or graphics) and NYU’s reputation;
- Sets certain rules for the use of Electronic Communications for NYU purposes; and
- Reinforces that NYU policies apply to Electronic Communications, as they do to any other types of communications and media, and that such other policies must be consistent with this policy.

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Scope of this Policy

This policy applies to all members of the University Community with respect to their utilization of Electronic Communications. Other pertinent NYU policies also apply to Electronic Communications, some of which are referenced in the Related Policies section below. NYU schools, colleges, institutes, other units, Global Network University sites, and University Affiliates may supplement this policy, provided that such supplementary policies are consistent with this policy in accordance with the NYU Policy on Policies.

I. General Principles of Electronic Communications

a. Freedom of Expression and the Academic Community

NYU is committed to the principle of academic freedom, as described more fully in the Statement in Regard to Academic Freedom and Tenure in the Faculty Handbook. Nothing in this policy is intended to abridge or interfere with those rights and responsibilities. This policy is intended to support and encourage NYU's academic mission and specifically NYU's commitment to a research and teaching environment that is open, robust, and diverse. In addition, nothing in this policy is intended to abridge or interfere with the right of NYU employees to speak about the terms and conditions of their employment pursuant to Section 7 of the National Labor Relations Act.

b. Criminal and Civil Liability with Respect to Electronic Communications

Members of the University Community are always subject to the jurisdiction of applicable local and national governments when they are using Electronic Communications. In addition to the consequences addressed in the Enforcement section below, violations of applicable laws through the use of Electronic Communications can lead to criminal and/or civil sanctions, as well as to private law suits by persons claiming injury. Members of the University Community also may want to be mindful of local customs, norms, and practices with respect to Electronic Communications.

c. Limited Expectations of Anonymity and Privacy

Members of the University Community should not assume that Electronic Communications, including Social Media, are anonymous or private. When composing an Electronic Communication, the author may want to assess the risk and the consequences of communications becoming public. Electronic Communications often are forwarded, posted, or otherwise distributed without the approval or knowledge of the author. Members of the University Community may want to monitor privacy settings on Social Media accounts to maximize their privacy to the extent desired and feasible. Electronic Communications, including e-mails, also can be subject to disclosure, for example in litigation, to regulatory bodies or other persons in connection with NYU business operations, and in response to subpoena.

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Pressing the “delete” key does not mean that an Electronic Communication is unrecoverable even where all recipients have “deleted” it. In addition, Internet Protocol addresses (known as IP addresses) normally can be traced to their source (e.g., to NYU) and often to a specific computing device.

NYU reserves the right to monitor and record activity on NYU devices, networks, and systems related to Electronic Communications in accordance with the protections for privacy of such communications as set forth in relevant NYU policies and procedures (including Responsible Use of NYU Computers and Data Policy, <http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/responsible-use-of-nyu-computers-and-data-policy-on.html>), and in accordance with applicable laws.

II. Social Media Overview

a. Appropriate Uses of Electronic Communications

Electronic Communications must be used in accordance with applicable laws and NYU policies, including the Code of Ethical Conduct. NYU encourages members of the University Community to use Electronic Communications in a manner that is consistent with NYU’s academic mission, to employ common sense when using Electronic Communications, to write in a manner that is knowledgeable, accurate, truthful, and professional when using Electronic Communications, and to promptly correct errors where appropriate. Users of Electronic Communications also should be aware of the terms of use that may be imposed on users by the vendors or others involved in specific Electronic Communications, including Social Media accounts.

b. Misuses of Electronic Communications

Misuses of Electronic Communications may subject members of the University Community to disciplinary action pursuant to the Enforcement section below. The list below, while not exhaustive, provides examples of misuses of Electronic Communications. Misuses of Electronic Communications include:

- Threatening, tormenting, defaming, bullying, intimidating, stalking, or performing similar acts that a reasonable person would consider objectionable by its severity, pervasiveness, and/or persistence;
- Engaging in conduct that unreasonably and substantially interferes with a person’s academic or work performance, opportunities or benefits, or a person’s mental, emotional, or physical well-being;
- Engaging in conduct that exploits a person’s known psychological or physical vulnerabilities or impairments;
- Engaging in conduct that reasonably causes or could be expected to reasonably cause a person to fear for his or her physical safety;
- Engaging in conduct that disrupts NYU operations or creates a foreseeable risk of doing so;

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- Using Electronic Communications to publish unauthorized digital images or video files depicting another to embarrass, socially ridicule, or defame that person;
- Illegally discriminating on the basis of a Legally Protected Class, or perceived membership in such classification;
- Inciting or attempting to incite violence;
- Engaging in conduct that jeopardizes or could jeopardize the health or safety of a child (including viewing, downloading, or transmitting child pornography);
- Misusing or violating the intellectual property rights of NYU or others (including failure to properly attribute or obtain necessary consent);
- Disclosing without authorization or unlawfully the confidential or proprietary information of NYU or members of the University Community (including, but not limited to, patient and student information protected under the HIPAA Privacy Rule or the Family Education Rights and Privacy Act (FERPA));
- Impersonation, including but not limited to misrepresenting the University Community member's own identity, capacity, or authority;
- Sending unauthorized bulk e-mail (spam) or otherwise transmitting mass messages in violation of applicable NYU policies (including Appropriate Use of E-mail at New York University Policy, <http://www.nyu.edu/its/policies/email.html>), unless authorized by NYU;
- Engaging in prohibited electioneering; and
- Engaging in any other conduct prohibited by local, state, federal, or other applicable law or NYU policy.

Actions described in the above list also may violate NYU's Statement and Response Guidelines on Bullying, Threatening, and Other Forms of Disruptive Behavior, <http://www.nyu.edu/content/dam/nyu/compliance/documents/StudentAffairs.StatementResponseGuidelinesBullyingDisruptiveBehavior.8.15.13.pdf>, or other NYU policies.

c. NYU Name, Marks, and Logos

Use of NYU Marks must (1) be for official NYU business or otherwise have been approved in writing by NYU's Office of Digital Communications ("DigiComm"), digital.communications@nyu.edu, and (2) follow all NYU rules and policies; provided, however, that members of the University Community may reference their NYU affiliation for identification purposes (e.g., an NYU faculty member or an NYU student), but where it is not clear, they must make it clear that they are acting in a personal (and not official NYU) capacity. Members of the University Community do not have the authority to alter or create their own versions of NYU Marks for use in Electronic Communications.

III. Institutional Social Media Accounts

a. Establishment

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Members of the University Community must notify DigiComm, digital.communications@nyu.edu, prior to activating an Institutional Social Media Account. Administrators of existing Institutional Social Media Accounts activated prior to the Effective Date of this policy must promptly notify DigiComm if they have not previously done so.

b. Access, Maintenance, and Ownership

For each Institutional Social Media Account, there must at all times be at least two NYU employees to serve as the Administrators of that Account who have appropriate account access credentials (including usernames, passwords, and answers to security questions) and who have been provided or expressly delegated the authority to administer the account (including editing account settings and content). The personal information of a member of the University Community should not be incorporated into the account access credentials of an Institutional Social Media Account. To ensure the continuity of Institutional Social Media Accounts, anyone who administers such accounts should maintain passwords and all other relevant information necessary to access such accounts in a safe and secure location.

NYU may have an ownership or other interest in the information, files, or data contained in an Institutional Social Media Account; if so, NYU may have the right to control the distribution or publication of that information, separate from any right NYU may have to access the account as described above.

NYU reserves the right to take steps to “freeze” any Institutional Social Media Account that violates this policy or other NYU policies.

c. Guidelines for Administrators

Administrators of Institutional Social Media Accounts should monitor/moderate postings on a frequent basis in accordance with applicable response approaches/strategies to ensure compliance with this policy and other applicable NYU policies.

d. Public Affairs

As with any form of communication that may appear to represent NYU, members of the University Community should exercise good judgment in determining whether an Electronic Communication should be approved in writing by NYU’s Office of Public Affairs prior to transmission through an Institutional Social Media Account.

NYU employees must notify NYU’s Office of Public Affairs if contacted by a media representative about an Institutional Social Media Account, and employees must not respond to a request for information by such a representative without first consulting with NYU’s Office of Public Affairs.

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IV. Use of Social Media in an Employment Context

a. Screening Candidates for Employment

Members of the University Community must not use Social Media or other Electronic Communications to (1) search for or screen out candidates for employment at NYU on the basis of any Legally Protected Class or (2) make any pre-employment inquiries otherwise prohibited by law. For example, the Equal Employment Opportunity Commission has cautioned that personal information, such as that gleaned from social media postings, may not be used to make employment decisions on prohibited bases, such as race, gender, national origin, color, religion, age, disability, or genetic information. Members of the University Community intending to use Social Media to screen employee candidates should consult with their Human Resources representatives for guidance.

b. Reviewing Employee Performance

Members of the University Community in their capacity as supervisors should not use Social Media to comment on or display information concerning the work performance of their subordinates. Formal performance reviews and/or recommendations related to the work performance of subordinates should not be made using Social Media without the express consent of such employee. Before supervisors make any informal communications about the job performance of their subordinates using Social Media, supervisors must exercise judgment and discretion and consider whether there is a need to obtain the approval of any colleagues or supervisors.

c. Authority Relationships and Social Media

Maintaining a Social Media account requires careful assessment of the implications of inviting a person to be a “friend” or “connection” or the equivalent or accepting such an invitation from another person. This is particularly true where there is an authority relationship (such as faculty-student, doctor-patient, or supervisor-subordinate) between inviter and invitee; the presence of such an authority relationship necessitates close consideration of the implications of sending and accepting an invitation.

Supervisors should exercise good judgment and caution when inviting subordinates to be a “friend” or “connection” or the equivalent using Social Media; if a supervisor believes there is a possibility a reasonable person similarly situated to the subordinate in question would find an invitation to be inappropriate, the supervisor should not send that invitation. Supervisors should consider whether it is appropriate to decline invitations they receive from subordinates. These cautions also are applicable in other cases involving authority relationships.

d. Protecting Confidential Information

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In using Social Media and other Electronic Communications, members of the University Community must ensure the confidentiality of personally identifiable information and other NYU sensitive information in accordance with applicable laws and NYU policies, including, but not limited to, those related to HIPAA, FERPA, and personal identification numbers (see, e.g., the Related Policies section below). Before uploading or sending student, patient, or other NYU information through Social Media, members of the University Community must ensure that such actions are in compliance with applicable laws and NYU policies.

e. Outside Service Providers

Members of the University Community should exercise caution and act within their authority when entering into contractual agreements (including click-through agreements) on behalf of NYU for services related to Institutional Social Media Accounts or distribution of University-generated content over Electronic Communications (e.g., through AddThis or ShareThis). Members of the University Community should pay particularly close attention to the privacy policies of potential service providers.

f. Endorsements and Testimonials

When making an endorsement or a testimonial in one's NYU capacity, members of the University Community must comply with the Federal Trade Commission's [Guides Concerning the Use of Endorsements and Testimonials in Advertising](#).

g. Social Media and Teaching

It is recommended that institutional Social Media accounts created by faculty to support courses of instruction include a clear statement on expectations for use of such social media by instructors and students. For example, if desired by a faculty member, the statement might provide that students are prohibited from using the account for any purpose other than their activities for the course, and that no content from the account may be copied or distributed by any student for any other purpose. It also is recommended that the statement note that all Social Media should be used in an appropriate manner and include a link to this policy and to the New York University Code of Ethical Conduct.

h. Disclaimers

If others could reasonably be confused as to whether a publicly-available Electronic Communication by an employee or member of the University Community represents the position of NYU when in actuality the Electronic Communication does not do so, members of the University Community should accompany the Electronic Communication (either directly or if necessary via a link) with a disclaimer such as the following: "The views expressed herein are mine alone and do not represent the views or opinions of New York University."

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Enforcement

As noted in Section II(b) Misuses of Electronic Communications above: (a) employees who violate this policy may be subject to disciplinary action up to and including termination in accordance with applicable NYU policies; (b) students who violate this policy may be subject to disciplinary action up to and including expulsion, in accordance with the disciplinary rules and procedures of NYU and the relevant school, college, and/or other unit; and (c) other members of the University Community who violate this policy, including but not limited to consultants, vendors and contractors, may be subject to termination of their relationship with NYU.

V. Review

In accordance with NYU's Policy on Policy, every NYU policy is to be reviewed periodically, as necessary to assure that the policy reflects obligations imposed by current laws and best practices. Given the rapidly changing nature of electronic communications and social media, it is particularly important to review this policy periodically.

Policy Definitions

“Electronic Communications” means any electronic transfer of information between one or more electronic devices and/or electronic networks/systems relating to such devices. Electronic Communications encompass Social Media.

“Institutional Social Media Account” means a Social Media site or account appearing to represent or be associated with NYU regardless of whether the site or account is hosted by NYU (e.g., NYU Wikis or NYU Blogs) or a third party, including any site or account using an NYU Mark; provided, however, that where the only association with NYU is that members of the University Community have referenced their NYU affiliation for identification purposes, the site or account is not an Institutional Social Media Account so long as it is clear that the members of the NYU Community are acting in a personal (and not official NYU) capacity.

“Legally Protected Class” means race, gender, gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, and any other class or status that is protected under applicable laws.

“NYU” means the schools, colleges, institutes, and other administrative units of NYU, NYU's Global Network University sites, and all University affiliates, as each term is defined in NYU's Policy on Policies.

“Social Media” means Electronic Communications that provide the user the ability to distribute content quickly to a broad audience, including but not limited to social networking sites (e.g., Facebook, Twitter, LinkedIn, Instagram, MySpace, YouTube, Ask.fm, Google+, Quick Chat, Meetup, tumblr, Flickr, SlideShare, Pinterest), blogging

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and microblogging, wikis, website creation, website postings and comments, mass text and multimedia messaging, and mass e-mailing, and includes future forms of such communication.

“University Community” means the following persons associated with the University and its domestic and international subsidiaries and affiliated entities: (a) the Board of Trustees, (b) all full-time and part-time employees, including but not limited to faculty members, instructors and researchers, (c) volunteers, (d) fellows, trainees and post-doctoral appointees, (e) students, and (f) others who are performing activities or providing services, including but not limited to consultants, vendors and contractors.

“NYU Marks” means NYU’s name, logos, trademarks, service marks, or graphics.

Related Policies

General Conduct

- [Affirmative Action/Equal Opportunity Policy](#)
- [Anti-Harassment Policy and Complaint Procedures](#)
- [Code of Ethical Conduct](#)
- [Compliance Complaint Policy](#)
- [Faculty Handbook](#)
- [Interaction with Government Officials](#)
- [University Policy on Student Conduct](#)

Information Privacy

- [Family Educational Rights and Privacy Act \(FERPA\)](#)
- [HIPAA Policies](#)
- [Policy on Personal Identification Numbers](#)

Information Technology

- [Data Classification at NYU](#)
- [Policy on Photocopying Copyrighted Materials](#)
- [Policy on Responsible Use of NYU Computers and Data](#)
- [World Wide Web Policies and Procedures](#)

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