

How To Respond And Avoid Toxic Social Media

Instructor: 33-Year Digital Mark Fiedelholz who specializes in Social Media Law

Length of Training: This is a two-hour online course.

Method of Instruction: The online course includes video, podcasts, case law, white papers.

Training Objective: Mitigate social media risk for both the employer and employee.

Covered Mandates: Defamation, First Amendment, Privacy, Copyright, and Civil Rights

Evaluation Process: Each online course module has a quiz.

Abstract Summary: Participants will be introduced to a powerful **“Red Flag System”** that filters harmful social media content, both on and off-duty. Attendees will gain skills to distinguish between protected and unprotected First Amendment speech. Specifically, they will understand the true scope of “free speech” regarding social media opinions and humor on personal devices.

Training Summary: 2-Hour Online Course

Module 1 Introduction: (15 Minutes): -- In the first module, participants watch a video that focuses on the core elements of social media liability. The goal of Module 1 is for participants to establish a strong conceptual foundation to explore more in-depth social media legal issues in future modules.

Module 2: Biggest Myths: (22 Minutes) – In the second module, I shatter the 3 biggest myths regarding social media liability and address federal and state cases that re-classify social media as a weapon, not just a benign PIO issue:

- ✓ Why Federal/State Courts Rule Social Media A Danger, Not Just A PR Issue
- ✓ Understanding The New 1983 Federal Social Media Policy And Training Laws
- ✓ How Posts Undermine Community Policing Efforts/Civil Rights Violations
- ✓ Why Infliction Of Emotional Harm Claims Are So Prevalent
- ✓ Why Personal Liability Insurance Is Not Your Safety Net
- ✓ Why Qualified Immunity Isn't A Guarantee With Social Media Harm Cases
- ✓ How Certain Posts Violate Your State Human Rights Act
- ✓ Social Media Impact On Federal and State Evidence Laws and Public Records
- ✓ Review
- ✓ Quiz

Module 3: Social Media Libel (33 Minutes) — In the third module I discuss the complex area of social media defamation:

- ✓ Understanding Your State Libel Laws In The Context Of Social Media
- ✓ Differentiating Between A Social Media Opinion And Fact
- ✓ Learning The Nuts And Bolts Of Social Media Libel and Libel by Implication
- ✓ The Costs Of Forwarding, Liking, And Sharing Social Media Libel
- ✓ Specific Social Media Libel Examples
- ✓ Review
- ✓ Quiz

Module 4: Social Media First Amendment Issues (35 minutes)-- In the fourth module I address specific posts and tweets that are not covered by the First Amendment and trigger implicit bias, viewpoint discrimination and other discriminatory content. I also address the thorny issues of blocking and deleting social media content:

- ✓ What Social Media Content Triggers Implicit Bias Claims
- ✓ Triggers for viewpoint discrimination
- ✓ Strategies to completely avoid discriminatory content
- ✓ What Social Media Humor Is Considered Discriminatory (i.e. Tik Tok)
- ✓ Why Social Media Is A Lightning Rod For Harassment Claims
- ✓ Understanding Federal And State Social Media Cyberstalking Laws
- ✓ The Laws On Social Media Blocking
- ✓ The Laws On Social Media Deleting
- ✓ Review
- ✓ Quiz

Module 5: Social Media Privacy Invasion (20 minutes)—In the fifth module I give participants a survey of the current and emerging issues on social media privacy both at work and on private networks.

- ✓ Basics Of Government Speech Doctrine And Privacy
- ✓ The Hidden Liabilities Of Social Media Privacy
- ✓ Defining The Parameters Of Off-Duty Social Media Privacy
- ✓ Specific Social Media Social Media Privacy Examples
- ✓ Review
- ✓ Quiz

OPTIONAL: Module 6: Copyright Laws You Need To Know (20 minutes)—In the sixth module I focus on the core copyright issues participants need to know to avoid infringement claims.

- ✓ What You Must Know About Copyright And Trademark Infringement
- ✓ The Laws Regulating Use Of Department Logos On Social Media
- ✓ Questions and Answers
- ✓ Review
- ✓ Quiz

OPTIONAL: Module 7: COURSE REVIEW: (20 Minutes)