

How To Eliminate Social Media Mistakes That Trigger Personal Liability

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: Online course that includes video, podcasts, case law, white papers

Training Objective: The primary objective of the course is to mitigate social media risk for both the officer and department.

Covered Mandates: Civil Rights, First Amendment, Harassment, Discrimination, Defamation, Copyright

Evaluation Process: Each online course module has a quiz.

Abstract Summary: Participants will be introduced to a powerful **“Red Flag System”** that filters out harmful social media content formulated on and off-duty. Attendees should walk away with new skills to differentiate between protected and unprotected First Amendment speech and a clear understanding of their true scope of social media privacy, especially regarding off-duty speech 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:

- ✓ Pre-test
- ✓ Why Federal/State Courts Rule Social Media A Weapon, Not A PIO 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)