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COMMENT MODERATION

Clearing the Confusion of Social Media

Let's face it...

Social media platforms can sometimes become magnets for inappropriate or off-topic comments that distract citizens from the important information being shared. The ability to hide or remove comments seems to be an option for public entities, but the fear of First Amendment lawsuits makes many agencies feel like they can't always maintain a productive dialogue on social media.

The solution to this dilemma is to embrace a clear comment moderation policy. But what makes a good policy, and how does a public communicator determine when content is in violation? To start with, certain categories of speech, including obscenity and direct threats, are not entitled to full protection under the First Amendment. Commercial speech is also subject to different treatment under the law, and can be excluded from a public entity page. And, of course, privacy laws can be invoked to justify the removal or personally identifiable information such as phone numbers, home addresses, and social security numbers.

Those are the easy cases, but what about the dreaded "off topic" comments? While it has yet to be tested in the highest courts, a strong case can be made that the US Supreme Court definition of a "limited public forum" can be applied to social media. Under this definition, public entities can create designated forums in which they may limit the topic of speech or the class of speaker as long as they don't discriminate based on viewpoint.

Fair application of the viewpoint-neutral rule can be both challenging and risky, so entities who wish include an "off-topic" clause in their moderation policy are advised to do so with care. It is also essential to retain records of all hidden or deleted material. Remember, in the event of a lawsuit, it is difficult to justify the reason why a comment was removed if the comment no longer exists for review.

PUBLIC ENTITIES CAN CREATE DESIGNATED FORUMS IN WHICH THEY MAY LIMIT THE TOPIC OF SPEECH OR THE CLASS OF SPEAKER AS LONG AS THEY DON'T DISCRIMINATE BASED ON VIEWPOINT.

THREES STEPS TO EFFECTIVE MODERATION

The following steps will help you create a comment moderation policy for your public entity that allows you to enjoy the benefits of social media without all the risk.

"WE RESERVE THE RIGHT TO DELETE INAPPROPRIATE COMMENTS."

1 ESTABLISH GUIDELINES

The first step in keeping a page focused and productive is establishing clear guidelines for commenters and moderators to follow. It is not enough to simply state, "we reserve the right to delete inappropriate comments." The categories of prohibited speech that are subject to deletion must be publicly posted on the page to establish the limits of the forum.

2 TRAIN THE MODERATORS

The next step is training page administrators to distinguish between a prohibited category of speech and a protected viewpoint. For example, comments that are negative or conflict with entity opinion may be tempting targets for deletion, but can not be taken down just because they are unflattering.

3 PRESERVE AND PROTECT

No policy or moderator is foolproof, and case law specifically dealing with social media pages as limited public forums is scarce. The most important step you can take to protect your entity from a lawsuit is to archive records of every post and comment. Because if no record exists, it's impossible to make the case that a comment was in violation of your policy. Preserving both the comment and context can save your entity from a protracted and expensive legal battle.

For an easily referencable resource, we created a flowchart on page three that can serve as a model for any public entity employing a comment moderation policy. This chart can be amended to match the policy of your entity and can serve as a valuable tool to train and guide staff.

SHOULD YOU DELETE THAT POST?
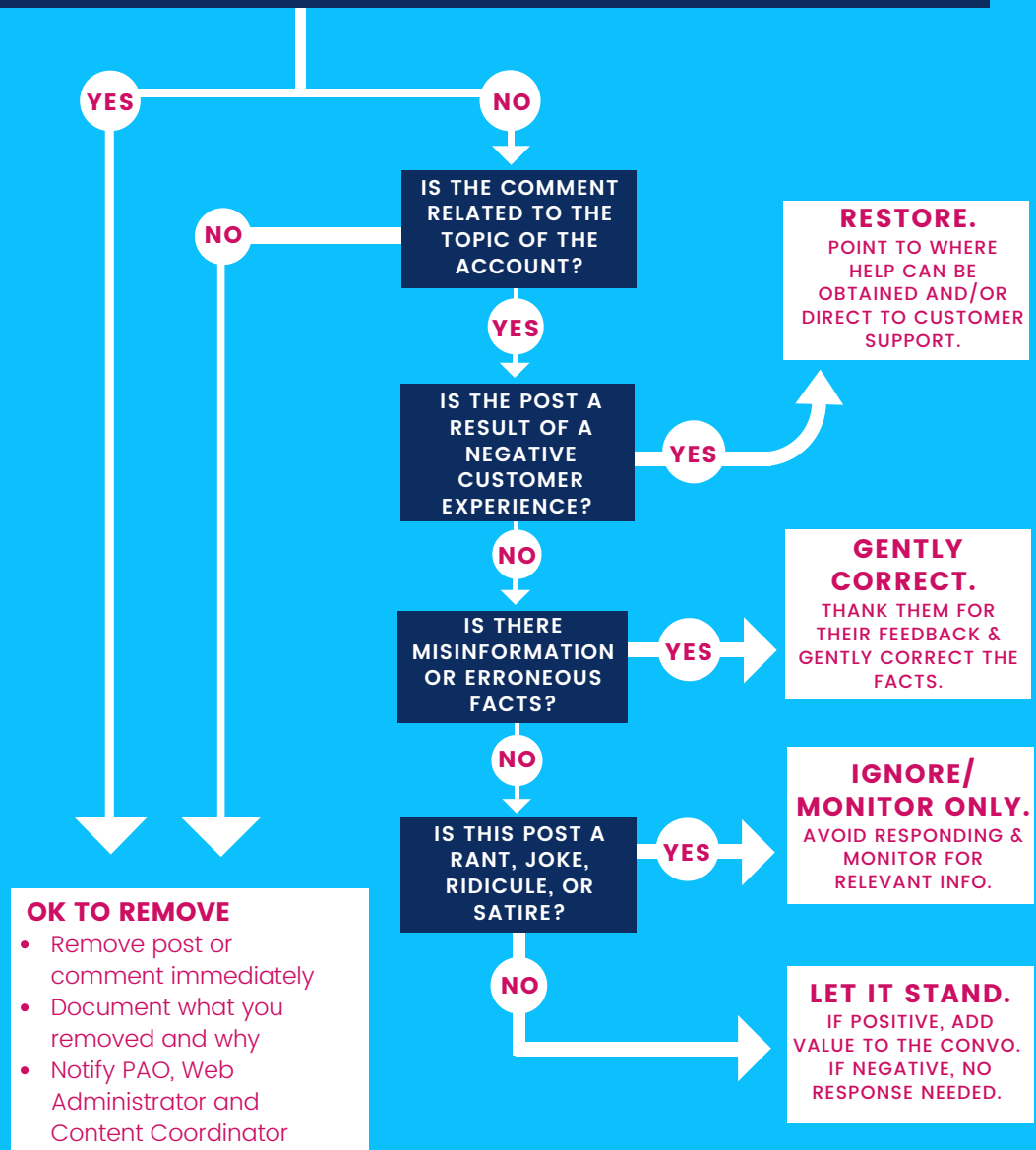
SOCIAL MEDIA COMMENT MODERATION FLOWCHART

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REVIEW

Does the post contain:
- Clear threats or defamation
- Content that promotes discrimination
- Obscenity (Note: profanity is not obscenity)
- Commerce solicitations (ads)
- Information that will compromise public safety or endorses illegal behavior
- HIPAA protected information
- Copyrighted material

YES — **NO**

EVALUATE

IS THE COMMENT RELATED TO THE TOPIC OF THE ACCOUNT?

NO

YES

IS THE POST A RESULT OF A NEGATIVE CUSTOMER EXPERIENCE?

YES →

RESTORE.
POINT TO WHERE HELP CAN BE OBTAINED AND/OR DIRECT TO CUSTOMER SUPPORT.

NO

IS THERE MISINFORMATION OR ERRONEOUS FACTS?

YES →

GENTLY CORRECT.
THANK THEM FOR THEIR FEEDBACK & GENTLY CORRECT THE FACTS.

NO

IS THIS POST A RANT, JOKE, RIDICULE, OR SATIRE?

YES →

IGNORE/ MONITOR ONLY.
AVOID RESPONDING & MONITOR FOR RELEVANT INFO.

NO

LET IT STAND.
IF POSITIVE, ADD VALUE TO THE CONVO. IF NEGATIVE, NO RESPONSE NEEDED.

REMOVE

OK TO REMOVE
- Remove post or comment immediately
- Document what you removed and why
- Notify PAO, Web Administrator and Content Coordinator

REMOVAL CONSIDERATIONS
- **Be consistent** – Only remove comments if it adheres to our guidelines for removal.
- **Document** – Document and record what you removed and why
- **Respect viewpoints** – Do not remove posts just because you disagree with their viewpoint.
- **Benefits** – Remove items that benefit the general public to do so

Learn more at:
ArchiveSocial.com

Finally, don't let comment deletion become the norm. The point of social media is that it is meant to encourage interaction, complete with diverse opinions and points of view.

The most successful agencies on social media are the ones that face critics head on instead of hiding behind an aggressive take-down policy. Often times negative public opinion is born out of misinformation or misunderstanding. Before hitting delete, embrace the opportunity to ask questions, provide information, correct misunderstandings, and show a different side of the story.

Even the most vocal critics can sometimes become the biggest civic boosters when their concerns are heard and addressed.

Need help getting started?

DOWNLOAD A **FREE SOCIAL MEDIA POLICY** TEMPLATE FOR PUBLIC ENTITIES

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