

San Juan County Board of REALTORS® Social Media Policy

There are hundreds of providers of social media services in which real estate boards and members may participate.

As used in this policy, Member shall refer to any REALTOR® or Alliance Member of SJCBR (the San Juan County Board of REALTORS®). Should the Policy of a REALTOR® brokerage office be more restrictive than the SJCBR Policy, the most restrictive policy shall apply to that Member. Users shall mean individuals visiting SJCBR, Brokerage or Individual Member's professional social media sites. Social Media as used in this policy shall apply to both activities at a Member's websites (e.g., blogging) and use of third party social media tools (e.g., Facebook, Twitter, LinkedIn, Instagram, YouTube, etc.). Because there already exist hundreds of different Social Media tools which may be utilized by Members and more are constantly being created, the provisions of this policy are to be interpreted generally to apply to the types of interaction the Member has with the social media service rather than to specific web sites and providers. Notwithstanding anything in this policy, it remains the responsibility of the REALTOR® Member to comply with the requirements of local, state and federal law and the Code of Ethics of the National Association of REALTORS®.

The scope of this policy shall extend to all uses of social media in connection with the real estate business (use in connection with the real estate business which would include SJCBR business and any use in which a broker seeks to promote or capture real estate business from consumers or other brokers). This policy is not intended to cover the activities of Members falling completely outside the real estate business; however any conduct which reflects adversely upon the SJCBR, Broker Member or Brokerage may be reviewed under the terms of this policy.

Whenever identification is required by this Internet policy it shall include at a minimum the following:

- a. Name of brokerage
- b. Name of broker
- c. Phone number of the brokerage office as registered with the New Mexico Real Estate Commission
- d. Members who are affiliated with a team may also include the name of that team
- e. Any other requirements mandated by state law or regulation
- f. Any other requirements mandated by the SJCBR
- g. License number.

The purpose of this policy is to provide guidelines intended to provide the SJCBR (the San Juan County Board of REALTORS®) also referred to as the "board" and its members with legal liability risk management and to protect the board's and members' reputations and good will in the community. The scope of this policy is intended to relate to the use of social media in connection with board business, and members real estate related business, but regardless of the social media service being used, the board and all members should observe these guidelines.

Members are required to read and be familiar with the policies and requirements of any site on which they participate and to comply with the requirements of that site. In particular, members should know the privacy practices and policies of the sites. Where options are provided, members shall select an option which provides a level of protection to Users of the site consistent with the level of protection afforded by the board at the SJCBR web site.

Members should remain aware that items posted on social media sites may be forwarded or used for purposes other than originally intended. Members should be aware of this when making decisions as to what to include on the board site as well as on their own social media sites.

Posting of Professional Contacts/Qualifications (e.g., LinkedIn)

1. Member is responsible for assuring that any listing of qualifications, credentials or training contained on the site is current, accurate and not misleading. Any changes to the foregoing shall be promptly revised on the site.
2. Members shall not falsely claim association with any person or group.
3. Notwithstanding any provision herein, Member remains responsible for complying with the license laws and regulations governing the conduct of licensees and all applicable local, state and federal laws.
4. Member is responsible for assuring that the content conforms to the standards established in the Code of Ethics.

Posting of text (e.g., Facebook, Myspace, Twitter)

1. All text shall be the Members own and not plagiarized or copied from another party without that party's permission. This shall not prohibit the use of reasonable quotations from the writings of others or writing for which the Member has received permission to use or using writings consistent with the practices of the site (e.g., retweeting or sharing public Facebook posts). No content which infringes the rights of any third party may be used.
2. Members may not write about the listings of other licensees within their brokerage without permission from the listing broker.
3. Members may not write about the listings of other Members without permission from the listing brokerage.
4. Members shall assure that writings do not contain unauthorized disclosures of confidential information of clients, customers or REALTORS® (including closing sale price).
5. Members are responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying the broker, brokerage and contact information.
6. When displaying listing content a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. The policy acknowledges that certain required disclosures may not be possible in display of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of 200 characters or less.) Such displays are exempt

from the disclosure requirements established in this policy, but only when linked directly to a display that includes all required disclosures.

Posting of comments to social media pages of others

1. Any statement regarding a brokerage shall clearly disclose the member's relationship to the brokerage.
2. The Member shall disclose his/her status as a real estate professional as a part of any real estate related statement.
3. Members may not accept compensation for placing a comment on a site.
4. Members are responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying Broker.
5. When displaying listing content a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. The policy acknowledges that certain required disclosures may not be possible in display of minimal information (e.g., "thumbnails", text messages, "tweets", etc., of 200 characters or less.) Such displays are exempt from the disclosure requirements established in this policy, but only when linked directly to a display that includes all required disclosures.

Sharing Another Brokers Listings

1. If the post did not originate from the Listing Broker, you must contact the Listing Broker for permission to share.
2. If you share or retweet a Listing, the Listing cannot be modified or have any added verbage or comment.

Posting of photos (e.g., Flickr, Instagram, Facebook)

1. Member is responsible for assuring that the Member is authorized to use any photo posted to the site (to avoid copyright issues).
2. Member shall secure permission to post for marketing purposes the image of another person on a site.
3. If an image has been materially altered in any way by a Member, the fact that the image is altered shall be disclosed.
4. Member is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying broker.

Posting of audio/video (YouTube, Vimeo)

1. Member is responsible for assuring that Member is authorized to use any audio/video posted to the site (to avoid copyright issues).
2. Member shall secure permission to post for marketing purposes the image of another person on the site.
3. If an image has been material altered in any way by the Member, that fact that the image is altered shall be disclosed.
4. Member is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying broker.

Blogging

1. Member shall be responsible for compliance with all laws and regulations governing real estate business including fair housing, antitrust and real estate license laws and regulations. Where identification is required the Internet Policy above shall apply.
2. The Member shall be responsible for informing and approving Users for any real estate related blogging site maintained by the Member and shall provide information necessary to subscribe to the blog.
3. A Member is responsible for establishing the process for governance of the blog by posting terms of use (TOU) for the blog.
4. The terms of use shall include:
 - h. Users shall abide by any legal requirements related to the use of the blog and the site's terms of use for the blog including specifically its privacy policy. Users shall be responsible for their conduct on site.
 - ii. Obtain clear authority from Users to utilize anything the User includes on the site.
 - iii. Prohibit the unauthorized use of third party content or the posting of any unlawful or objectionable materials.
 - iv. Prohibit the use of the site to harass or stalk anyone.
 - v. Prohibit the posting of content which infringes on the rights of any third party.
 - vi. Prohibit the posting of content which expresses a preference based upon an individual's membership in a protected class.
 - vii. Provide a take-down policy in the event any such materials are posted to the site.
 - viii. Disclaim responsibility for any third party sites linked to through the site.
 - ix. Generally disclaim and limit any liability arising from the content of the site whether provided by Member, Broker, or User.

x. Provide a privacy policy consistent with that used by the SJCBR or Members brokerage, whichever is the most restrictive.

5. Identification

a. Members shall identify themselves when establishing a blog in such a way that Users of the blog shall know the Broker's name, their status as a real estate licensee and the name and primary phone number of the brokerage as registered with the New Mexico Real Estate Commission.

b. In any posting related to a brokerage, the Member shall assure that the broker's relationship to the brokerage with which they are affiliated is clear so as to avoid violation of FTC rules.

c. Broker Members shall not participate in the blog of another party without disclosing their identity and the brokerage with which they are affiliated.

6. Responsibility for Maintenance

a. All blogging must be monitored by the Member, comments must be approved prior to posting.

b. Any false, defamatory, demeaning or degrading comments must be deleted.

c. Member is responsible for removing or clarifying any comment if the Member know that it is false or misleading.

7. Member is responsible for assuring that the content and operation of the blog conform to the standards established in the Code of Ethics.

8. Qualifying brokers must be notified of any offer of compensation to an associate broker for real estate related services communicated or established through a Member's blog or social media web site.