

UPSTAR REALTOR® SOCIAL MEDIA POLICY

PURPOSE: Upstate Alliance of REALTORS® (“UPSTAR” or “the Association”) values social media. Its proper use creates awareness of our purpose and mission. It is also a great communication and marketing tool. As a REALTOR® member of UPSTAR, what you share on the Internet is (or may be interpreted to be) representative of the Association and, in any event, must be approached with caution. This agreement provides guidelines for Social Media Usage.

SCOPE: This social media policy applies to all REALTOR® members of the Upstate Alliance of REALTORS® (UPSTAR) as it pertains to real estate promotion and other work-related or personal use of social media that impacts UPSTAR rules—regardless of whether the technology used by the REALTOR® is a company or personal device.

GENERAL GUIDELINES FOR SOCIAL MEDIA USAGE BY A REALTOR®: In order to protect the Association from the posting of comments and information that may have a harmful effect on its reputation, staff and/or other members, the following policy has been developed. For the purpose of this policy, “engaging in social media” means posting or uploading content to any type of interactive electronic communication including but not limited to websites, blogs, social networks and discussion boards.

- Since the Internet is public space, you must refrain from engaging in social media that may disparage or harm the image or reputation of the Association, its employees or other members.
- You assume any and all risks associated with engaging in social media.
- Before engaging in social media, know the Association’s position on issues. Be sure it is clear that your opinion and views expressed are yours alone and that any statements, opinions and beliefs do not necessarily reflect the views of the Association.
- When engaging in social media, do not expect your comments to be private. Even comments posted in private groups can easily be shared publicly. Be vigilant to ensure that you do not disclose any information that is confidential or proprietary to the Association or to any third party that has disclosed information to us. This includes but is not limited to the use of Association trademarks, copyrighted material, board matters, personnel, staffing, and financial information.
- Use caution when posting photos of leadership, staff and other Affiliate and REALTOR® members from Association events that may portray them in a disparaging way.
- When it comes to political advocacy and candidate campaigns **in connection with UPSTAR**, remember the Association supports real property rights regardless of political affiliation. When using the Association name in connection with political issues and advocacy, please conduct yourself online accordingly.
- RPAC investments should not be solicited in any online public forum.

I have read, understand, support and, as a condition to holding REALTOR® membership with the Association, agree to fully abide by the above Social Media Policy. I understand that examples and best practices of social media usage may be found in the [Social Media Resource Guide](#). I will direct any inquiries or concerns, whether or not specifically addressed in the policy statement, to the Association Executive Officer. I understand that any violation of this policy could result in penalties impacting my MLS subscribership.

Printed Name _____ Date _____

Signature _____

SOCIAL MEDIA RESOURCE GUIDE

MISSION OF THE UPSTAR/UPSTAR MLS SOCIAL MEDIA COMMITTEE: To raise awareness and promote our local real estate industry and community in a positive and ethical manner through all media platforms.

The social media policies set forth herein, much like the REALTOR® Code of Ethics, are designed to hold real estate professionals to a higher standard than current laws and rules in place. The REALTOR Code of Ethics contains best practices to ensure the public views REALTORS® and affiliates as professional resources with a positive impact on the community. It is expected of all UPSTAR Members, Secondary UPSTAR Members, and Affiliate Members to adhere to the guidelines below. Social media is a powerful marketing tool. It is not our intention to diminish its use for local professionals in attracting new clients. It is our goal simply to have those actions be positive and fair to all.

Below is a link to the REALTOR® code of ethics. That code should be reviewed when there is an issue regarding whether a social media post is appropriate. A rule of thumb would be that if another UPSTAR member has raised question about whether or not a post is appropriate, it is most likely inappropriate. As set forth in the Preamble, “The term REALTOR® has come to connote competency, fairness, and high integrity resulting from adherence to a lofty ideal of moral conduct in business relations.”

<https://www.nar.realtor/about-nar/governing-documents/the-code-of-ethics>

PLAN OF ACTION FOR VIOLATIONS

Step 1: Contact the UPSTAR board office to be able to report the post anonymously.

Step 2: The UPSTAR Member will first be warned and then subject to fines.

POLICIES ON KNOWN AND COMMON MISUSES OR PERCEIVED MISUSES OF SOCIAL MEDIA ADVERTISING (Subject to change at any time as online advertising is ever evolving)

1. **Permission should always be granted in writing (email, text, direct message, etc.) for agents to post another agents listing on social media. The agent making the post should never write verbiage in a way that leads the public to believe it is his/her own listing.**
 - a) *Rule in place: IRMLS Rules and Regulations Section 2.7*
<http://ims.upstarindiana.com/publish/IRMLS-Rules-and-Regs-Current.pdf>
 - b) Spirit of the rule: Avoid false representation of a listing and marketing an agent’s exclusive listing without permission
 - c) A proper way to post the listing of another agent is to get written permission from that agent. It may be acceptable to post without permission if the listing is within your brokerage but should also be removed if asked by the listing agent. The listing post must also either mention the listing agents, be shared from the listing agents post, or at least be one click from a website

that states the listing agent and brokerage per IDX Rules and Regulations Section 18.3.4.

- <http://ims.upstarindiana.com/publish/IRMLS-Rules-and-Regs-Current.pdf>

2. REALTORS® posting their own investment/personal properties may do so at any time as they are the owner of the property.

- a) Rule in place: There is no rule in place keeping owners of property from advertising it how they wish in terms of time or location of the advertisement.
- b) Spirit of the Rule: It is the opinion of the committee that it is not good practice for a licensed real estate professional to go against their own livelihood and attempt to sell a property for sale by owner. It diminishes the value of a real estate agent thus showing the public a lack of worth in real estate agents. This is especially true for public advertising such as posting it on social media.
- c) Technically speaking the practice of posting your own property is permitted in any way as long as your licensing is disclosed to all parties per *REALTOR® code of ethics Articles 4 and 5*.
<https://www.nar.realtor/about-nar/governing-documents/the-code-of-ethics>

3. Posting pictures taken from your own phone while showing another agent's listing is legally permitted if done in a positive manner, but not permitted if used as a negative to the property.

- a) Rule in place: This is a best practice agreed upon by the social media committee to address a common issue. The sellers have opened up their home for showings, and the person who took the photo owns the photograph. See Listing Contract Exclusive Right to Sell Improved Property Line 204. "Seller acknowledges that prospective purchasers may photograph or video the interior of the property. Seller should remove any items of a personal nature that the seller does not want photographed, recorded or transmitted such as family photos, paperwork and other personally identifiable information."
- b) Spirit of the rule: It does not hurt a listing to spread information about it to the public in a positive way. Any photo posted on a seller's property that is meant to point out something negative for the sake of humor is not portraying local real estate professionals in a positive light.
- c) A proper way is to post something uniquely positive about a home while on a showing, or show the good time you are having with your clients while showing homes.

4. **UPSTAR members, personal assistants, secondary members and affiliate members are not to post negative comments or conversation about the local real estate industry, professionals and affiliates.**
 - a) Rule in place: It is our hope that we support each other and our industry locally in a positive way and handle any negativity in private out of the public eye. The REALTOR® Code of Ethic Preamble challenges us to “maintain and improve the standards of their calling and share with their fellow REALTORS® a common responsibility for its integrity and honor.” Article 15 states REALTORS shall not knowingly or recklessly make false or misleading statements about other real estate professionals, their businesses, or their business practices.
 - b) Spirit of the rule: To adhere to our mission of portraying the local market and professionals in a positive manner.
 - c) A proper way to handle negative feelings about the industry is to reach out to individuals and the board directly.

5. **Bending any of these rules by having an affiliate, friend, neighbor, family member, spouse, etc. post it for you is prohibited.**
 - a) Rule in place: This is a best practice agreed upon by the social media committee to address a common issue and avoid any gray area or “toeing the line.”
 - b) Spirit of the rule: Avoid people looking for ways to beat the system.
 - c) A proper way to have someone else post information is if they are the owner of the property. An owner of the property may advertise however and whenever they choose. If they make a post about their home, they must feel it is in their best interest. The property owner should be reminded by the real estate professional that such property owner communications reach a more limited audience than communications by the REALTOR.

6. **Offering prizes, rebates and or/giveaways on social media is permitted if done legally and offered in writing to all eligible parties.**
 - a) *Rule in place: REALTOR® Code of Ethics Standard of Practice 12-3*
 - b) The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the REALTORS® making the offer. However, REALTORS® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the REALTOR’S offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. (Amended 1/95)
<https://www.nar.realtor/about-nar/governing-documents/the-code-of-ethics>

- c) Be careful not to offer any giveaways in the form of referral fees to unlicensed individuals. The giveaway terms must be disclosed to all parties.

7. Your real estate brokerage must be visible in all advertising.

- a) *Rule in place: REALTOR® Code of Ethics Standard of Practice 12-5*
<https://www.nar.realtor/about-nar/governing-documents/the-code-of-ethics>
- b) *Spirit of the rule: To be honest in all advertising and to disclose in any medium (e.g., electronically, print, radio, television, etc.) the name of the REALTOR'S firm in a reasonable and readily apparent manner either in the advertisement or in electronic advertising via a link to a display with all required disclosures.*
- c) *Best practice: always include your brokerage name in your post. It may also display in the title of your page, on the images posted, or on your profile photo online as long as it is visible.*