

Multiple Listing Service of Greater Cincinnati Guidelines for the Use of Social Media in the Real Estate Business

As used in this guideline, Broker shall refer to the principal broker or a broker standing in the shoes of the principal broker. Agent shall mean a licensed real estate Agent employed by or affiliated with the Broker. Users shall mean individuals visiting the Social Media sites of Agents. Social Media as used in this guideline shall apply to both activities at the Agent's web sites (e.g., blogging) and use of third party Social Media tools (e.g., Facebook, Twitter, LinkedIn, etc.). Because there already exist hundreds of different Social Media tools which may be utilized by Agents and more are constantly being created, the provisions of this guideline are to be interpreted generally to apply to the types of interaction the Agent has with the Social Media service rather than to specific web sites and providers. Notwithstanding anything in this guideline, it remains the responsibility of the Agent 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 guideline shall extend to all uses of Social Media in connection with the real estate business (use in connection with the real estate business would include any use in which the Agent seeks to promote or capture real estate business from consumers or other Agents).

Use of Social Media in your real estate business may be a form of advertising. If advertising real estate via Social Media, you must comply with the Code of Ethics of the National Association of REALTORS®, state licensing laws and the Rules and Regulations of the MLS of Greater Cincinnati.

Blogging

1. Agent 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.
2. The Agent should be responsible for informing their Broker (and obtaining approval) of any blogging site maintained by Agent.
3. Terms of Use
 - a. The Broker is responsible for establishing the process for governance of the blog by posting terms of use for the blog.
 - I. Agent should clearly display the terms of use of the brokerage for blogs.
 - II. Agent should create terms of use and allow them to be reviewed by the Broker prior to launch of the blog.
 - III. Agent should make the terms of use available to the Broker upon request.
 - b. The terms of use should include:
 - I. 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 the site.
 - II. Wording that prohibits the unauthorized use of third party content or the posting of any unlawful or objectionable materials.

- III. Wording that prohibits the use of the site to harass or stalk anyone.
 - IV. Wording that prohibits the posting of content which infringes on the rights of any third party
 - V. Wording that prohibits the posting of content which expresses a preference based upon an individual's membership in a protected class.
 - VI. Wording that provides a take-down policy in the event any such materials are posted to the site.
 - VII. Wording that disclaims responsibility for any third party sites linked to the site.
 - VIII. Wording that generally disclaims and limits any liability arising from the content of the site whether provided by the Agent or a User.
 - IX. Wording that provides a privacy policy consistent with that used by the brokerage.
4. Agent should not pay or provide anything of value to another party in consideration of comments placed on the blog.
 5. Identification
 - a. Agents should identify themselves when establishing a blog in such a way that Users of the blog will know the Agent's name, their status as a real estate licensee and the name of the brokerage with which they are affiliated per the laws of their state of licensure.
 - b. In any posting related to the brokerage, the Agent should assure that the Agent's relationship to the brokerage is clear so as to avoid violation of the FTC rules or their Division of Real Estate.
 - c. Agents should 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 should be monitored by Agent for false / defamatory / demeaning / degrading comments on an ongoing basis.
 - b. Agent is responsible for removing or clarifying any comment if the Agent knows that it is false or misleading.
 7. Agent is responsible for assuring that the content and operation of the blog conforms to the standards established in the Code of Ethics.
 8. The Broker should be notified of any offer of compensation to the Agent for real estate related services communicated or established through the blog.

Use of Third-Party Social Media Sites

There are hundreds of providers of Social Media services in which real estate Agents may participate. The purpose of this guideline is intended to provide both Agents and the brokerage with legal liability risk management and to protect the brokerage's reputation and good will in the community. Like with blogging, the scope of this guideline is intended to relate to the use of Social Media in connection with the real estate business. Regardless of the Social Media service being used, when related to the business of real estate, the Agent should observe these guidelines.

Agents should 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, Agents should know the privacy practices and policies of the sites. Where options are provided, the Agent should select an option which provides a level of protection to Users of Agent's Social Media site consistent with the level of protection afforded by the brokerage at the brokerage's web site.

Agents should remain aware that items posted on Social Media sites may be forwarded or used for purposes other than originally intended. Agents should be aware of this when making decisions as to what to include on their Social Media sites.

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

1. Agent is responsible for assuring that any statement of qualifications, credentials or training contained on the site is current, accurate and not misleading. Any changes to the foregoing should be promptly revised on the site.
2. Agent should not falsely claim association with any person or group.
3. Notwithstanding any provision herein, Agent remains responsible for complying with the license laws and regulations governing the conduct of licensees and all applicable local, state and federal laws.
4. Agent 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 should be the Agent's own and not plagiarized or copied from another party without that party's permission. This should not prohibit the use of reasonable quotations from the writings of others or writing for which the Agent has received permission to use or using writings consistent with the practices of the site (e.g., retweeting). No content which infringes the rights of any third party should be used.
2. Agent should not post information regarding the listings of other licensees within their brokerage unless they have written permission by the listing Agent or Broker.
3. Agent should not post information regarding the listings of other brokerages unless they have written permission by the listing Agent or Broker.
4. Agent should assure that writings do not contain unauthorized disclosures of confidential information of clients, customers or Broker.
5. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws, all applicable real estate license laws and the MLS Rules and Regulations of the MLS of Greater Cincinnati.

Posting of comments to Social Media pages of others

1. Any statement regarding a brokerage should clearly disclose the Agent's relationship to that brokerage.
2. The Agent should disclose his/her status as a real estate professional as a part of any real estate related statement.
3. Agent should not accept compensation for placing a comment on a site.
4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws, all applicable real estate license laws and the Rules and Regulations of the MLS of Greater Cincinnati.

Posting of photos (e.g., Flickr)

1. Agent is responsible for assuring that that Agent is authorized to use any photo posted to the site (to avoid copyright issues).
2. Agent should secure permission to post, for marketing purposes, the image of another person or property on the site.
3. If an image has been materially altered in any way by Agent, the fact that the image is altered should be disclosed.
4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws, all applicable real estate license laws and the Rules and Regulations of the MLS of Greater Cincinnati.

Posting of audio/video (e.g., YouTube)

1. Agent is responsible for assuring that that Agent is authorized to use any audio/video posted to the site (to avoid copyright issues).
2. Agent should secure permission to post, for marketing purposes, the image of another person or property on the site.
3. If an image has been altered in any way by the Agent, the fact that the image is altered should be disclosed.
4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws, all applicable real estate license laws and the Rules and Regulations of the MLS of Greater Cincinnati.