



## **SOCIAL MEDIA POLICY**

<b>Document number</b>	
<b>Custodian/Responsible Executive</b>	<b>Executive Director: Institutional Advancement</b>
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## **RELATED DOCUMENTS**

<b>UJ Documents</b>	<b>Other</b>
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<p>(e.g. Policies, Regulations, Guidelines, Contracts)</p> <ul style="list-style-type: none"> <li>• UJ Conditions of Service;</li> <li>• UJ Employee Code of Conduct;</li> <li>• UJ Student Regulations;</li> <li>• Code of Conduct for Members of Council;</li> <li>• UJ Risk Management Model;</li> <li>• UJ Risk Management Policy;</li> <li>• UJ Vision, Mission and Values;</li> <li>• UJ Strategic Plan;</li> <li>• UJ Policy on Brand and Corporate Visual Identity;</li> <li>• UJ Electronic Communications Policy;</li> <li>• UJ ICS Policy.</li> </ul>	<p>(e.g. Legislation, DoE and HEQC directives and guidelines)</p> <ul style="list-style-type: none"> <li>• The Constitution of the Republic of South Africa of 1996</li> <li>• Competition Act 89 of 1998;</li> <li>• Copyright Act 98 of 1978</li> <li>• Electronic Communications Act 36 of 2005;</li> <li>• Electronic Communications and Transactions Act 25 of 2002 (ECTA);</li> <li>• Higher Education Act 101 of 1997</li> <li>• Protection of Personal Information Act 4 of 2013 (POPI);</li> <li>• The Consumer Protection Act;</li> <li>• Trade Marks Act 194 of 1993</li> <li>• UJ Institutional Statute</li> </ul>
<p>Stakeholders affected by this document (units and divisions who should be familiar with it):</p>	<ul style="list-style-type: none"> <li>• Council Members;</li> <li>• All University Employees;</li> <li>• Student Representative Council;</li> <li>• Students;</li> <li>• All stakeholders;</li> <li>• All persons (internal or external) who make use of UJ and other social media platforms.</li> </ul>
<p>Website Address:</p>	<p><a href="http://www.uj.ac.za">www.uj.ac.za</a></p>

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## **SOCIAL MEDIA POLICY**

### **1. PREAMBLE**

- 1.1 In pursuit of its vision of being an international university of choice, anchored in Africa, dynamically shaping the future, Stakeholders of the University of Johannesburg (“the University”/ “UJ”) use various forms of communication with others, including Social Media Platforms (“SMPs”). The University recognises that the conduct of Stakeholders when using such forms of communication is measured against existing norms and standards which, having regard to the unique features of social media platforms, include:
- the South African Constitution, especially the Bill of Rights contained in Chapter 2, and other relevant law;
  - the University’s vision, mission, values and strategic objectives;
  - the University’s prescriptions for brand use on any platform, that fall under the control and supervision of the Social Media Management Section of the University;
  - codes of conduct and all other applicable rules, regulations, policies, practices and procedures of the University that govern the relations between the University and its employees, students and other Stakeholders, for example the University’s Conditions of Service, the UJ Student Regulations and the Code of Conduct for Members of Council;
  - various policies of the University that deal with the principles, procedures, and practices of conflict resolution, for example the policy on whistle-blowing;
  - the freedom of academic speech, i.e. forms of speech that are defended by lawful reasons and based in facts.
- 1.2 The University provides a uniform framework for the use of SMPs by Stakeholders, whether or not the SMPs are used for and on behalf of the University or are UJ SMPs, which framework must be viewed against the broader background of the use of all forms of communication by Stakeholders.

## 2 PURPOSE AND STATUS OF THE POLICY

- 2.1 The right to freedom of expression coupled with the corollary right to receive and impart information is constitutionally-entrenched,<sup>1</sup> and has been recognised as a cornerstone of democracy and deserving of the utmost protection. The right includes the protection of robust or critical speech, within the Law. This is particularly important in the context of academic freedom, which the University desires in all instances both to respect and encourage.
- 2.2 The purpose of this Policy is not to unduly limit the right to freedom of expression, or to chill the exercise and enjoyment of this right. Rather, the purpose of this Policy is to record and publish to Stakeholders the policy of the University for the use of SMPs by Stakeholders whether or not the SMPs are used for and on behalf of the University or are UJ SMPs, viewed against the broader background of the use of all forms of communication by Stakeholders.
- 2.3 The Policy provides a set of guidelines that should inform the conduct of the Stakeholders. In seeking to describe permissible conduct when using SMPs, the Policy upholds the Constitution, other Law, and international best practice applicable to the Policy and the use of SMPs.
- 2.4 Except as provided for below the Policy does not constitute a binding set of rules, and the Policy does not create new transgressions.
- 2.4.1 The Policy is binding and creates transgressions as well as rights and remedies for the University against Stakeholders to the extent that the Policy is not inconsistent with the

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<sup>1</sup> Section 16 of the Constitution of the Republic of South Africa, 1996 provides as follows:

**“Freedom of expression**

- (1) Everyone has the right to freedom of expression, which includes –
- (a) freedom of the press and other media;
  - (b) freedom to receive or impart information or ideas;
  - (c) freedom of artistic creativity; and
  - (d) academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to –
- (a) propaganda for war;
  - (b) incitement of imminent violence; or
  - (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.”

Law and applicable disciplinary codes set out in, for example, the UJ Conditions of Service, the UJ Student Regulations and the Code of Conduct for Members of Council.

- 2.4.2 Employees of the University who use UJ SMPs in the course and scope of their employment under the control and supervision of the Social Media Management Section to promote and protect the brand and reputation of the University and to market the University, are bound by the Policy.

### **3. POLICY OBJECTIVES**

The objectives of the Policy are to create:

- 3.1 uniform guidelines for the responsible and appropriate use of SMPs with a view –
  - 3.1.1 to recognise that SMPs provide an important medium of expression, the freedom of which is guaranteed by the Constitution, as is academic freedom;
  - 3.1.2 to seek to uphold the right to freedom of expression to the greatest extent possible, and to strike the appropriate balance, where necessary, between the enjoyment of the freedom with, amongst others, the rights and freedoms of others, bearing in mind that academic freedom receives special mention in the Constitution, which means that it lies at the core of the right to freedom of expression, and should be limited only when reasonable and justifiable in terms of the Constitution;
  - 3.1.3 to provide transparency in connection with the principles adopted by the University to guide decisions of decision-makers relating to the issues it covers with the aim of reaching consistent, reasonable and rational decisions;
  - 3.1.4 to inform the University's Stakeholders of the principles adopted thereby providing them with a measure of certainty regarding their required behaviour when using SMPs;
  - 3.1.5 to avoid case by case and fresh enquiry into every identical or comparable instance of use of SMPs which requires decisions to be made;

3.1.6 to prevent or reduce the risk of the University –

- (a) suffering reputational damage or damage to its own brand, or
- (b) incurring vicarious liability for damages arising from the conduct of Stakeholders in respect of SMPs, whether or not SMPs are used for and on behalf of the University or are UJ SMPs, in line with the test for vicarious liability described in clause 5 below.

3.2 a framework to manage the interactions, functionality and responsibilities of Stakeholders using UJ SMPs;

3.3 assurance that the University, the Stakeholders and the University's brand are appropriately represented across SMPs, that this representation is maintained, that the content of the UJ SMPs are regulated, and that the University's corporate identity, overall reputation and brand is protected and properly managed on the UJ SMPs.

#### **4. SCOPE**

4.1 This Policy applies to all Stakeholders who communicate with others for and on behalf of the University and in the context of the Policy, particularly those who use the UJ SMPs. Any SMP making use of the University's official branding or logo falls within the scope of the Policy.

4.2 This Policy does not seek to regulate or interfere with the communication of Stakeholders with others which do not take place for and on behalf of the University, for example in general, non-official, public pages on SMPs that use "UJ" or "University of Johannesburg" in their title unless reputational or brand damage can arise from such usage, and the authors can be associated with UJ. The Policy also alerts Stakeholders to the fact that the University may have a sufficient and legitimate interest in their communications with others which do not take place for and on behalf of the University and the legal rights and remedies that the University may have according to the Law in this regard, and where the authors can be associated with UJ by a reasonable observer.

## 5. ABBREVIATIONS AND DEFINITIONS

For the purpose of this Policy, unless it is stated otherwise or the context indicates otherwise, the following abbreviations and terms will bear the following meaning and other grammatical forms of the terms have corresponding meanings:

5.1	Content Calendar	A calendar, compiled weekly, monthly or annually, that includes information or content that serves as a guideline for the postings to be placed on social media by a division or department of the <i>University</i> .
5.2	Content Loader	The person responsible for posting content or scheduling content on <i>SMPs</i> who can also be the <i>Content Provider</i> .
5.3	Content Provider	The person responsible for posting content or scheduling content on <i>SMPs</i> who can also be the <i>Content Loader</i> .
5.4	HEA	Higher Education Act 101 of 1997
5.5	Law	Any law of general application and includes the Constitution, common law and any statute, decree, treaty, regulation, directive, ordinance, by-law, order or any other enactment of legislative measure of government (including national, provincial and local government), statutory or regulatory body which has the force of law
5.6	Likely	The test to be applied when determining whether any expression is <i>likely</i> to lead to a consequence (for example, harm), is an objective one. In accordance with this objective test the criterion is what meaning the reasonable observer would attribute to the expression. In applying this test of a reasonable observer it is accepted that the reasonable observer would understand the expression in its context and that he or she would have had regard not only to what is expressed but also to what is implied.
5.7	MEC	Management Executive Committee of the <i>University</i>
5.8	Policy	The Social Media Policy

5.9	Public interest	Includes any action, decision or policy that affects the public at large or that is of legitimate interest or importance to people as it affects the common good. Examples of the public interest include the public conduct of a public official or someone occupying a position of public influence whether in the public or private sectors, or civil society; political, religion and/or state matters; the administration of justice; the management of public institutions; the administration of local affairs by local politicians; anything which may fairly be said to invite comment or challenge public attention because it affects the common good
5.10	Republic	The Republic of South Africa
5.11	Responsible Person	<i>Content Loaders and Content Providers.</i>
5.12	Social media content	Copy or text, images, videos and audio
5.13	Social Media Management Section	The Central Management Section regarding the management of the <i>UJ</i> Brand on <i>SMPs</i> and online platforms. The <i>University's</i> marketing is decentralised; however, this Section within the Corporate Marketing and Brand Department co-ordinates efforts in this sphere and has the authority and responsibility to manage and control the <i>University's</i> social media presence. The Social Management Section thus includes employees of the <i>University</i> who are employed within the Advancement Division and employees in other structures of the <i>University</i> in respect of whom there is a dotted reporting line between them and the Advancement Division.
5.14	SMPs	All forms of social media platforms, websites and pages, including but not limited to Twitter, Facebook, LinkedIn, Instagram, Blogs and the <i>UJ</i> website
5.15	Stakeholders	All <i>University</i> employees, officials, persons who hold special <i>UJ</i> appointments, students (including students in residences or belonging to societies), alumni and associates who use social media for and on behalf of the University.

5.16	Transgressions	Includes offences.
5.17	UJ SMPs	<i>SMPs</i> that are owned, operated and officially branded by the <i>University</i> with the official authorization and approval of the <i>University's Social Media Management Section</i>
5.18	University/ UJ	University of Johannesburg
5.19	Wrongfulness	Without limiting the meaning of the term in common law, an enquiry into wrongfulness is determined by weighing competing norms and interests (including public interest and academic freedom). The criterion of wrongfulness ultimately depends on a judicial determination of whether, assuming all the other elements of liability are present, it would be reasonable to hold a Stakeholder liability for specific conduct. Whether conduct is wrongful is tested against the legal convictions of the community which are, 'by necessity underpinned and informed by the norms and values of our society, embodied in the Constitution', <i>Oppelt v Head: Health, Department of Health Provincial Administration: Western Cape</i> (CCT185/14) [2015] ZACC 33; 2016 (1) SA 325 (CC); 2015 (12) BCLR 1471 (CC) (14 October 2015) § 51. The onus to prove a Stakeholder's wrongfulness may be on the University or the onus to prove the absence of wrongfulness (a ground of justification) may be on a Stakeholder as determined by law.
5.20	Vicarious liability	Reference to vicarious liability that the University may incur for the conduct of its employees is derived from the existing legal principles, including in terms of labour law and the common law. The <i>University</i> can be held liable for the wrongful conduct of its employees performed in the course and scope of their employment or whilst they are engaged with the affairs of the <i>University</i> . In the case of deviant conduct on the part of its employees, two questions are to be asked for the <i>University</i> to escape vicarious liability. The first is whether the wrongful acts were done solely for the purposes of the employee. <sup>2</sup> This

<sup>2</sup> This is correct (and should not be "employer" as was queried). Where, for example, an employee stole money from a student, such an act was solely carried out for the purpose of the employee,

		question requires a subjective consideration of the employee's state of mind and is a purely factual question. Even if it is answered in the affirmative, however, the University may nevertheless be liable vicariously if the second question, an objective one, is answered affirmatively. That question is whether, even though the acts carried out have been done solely for the purpose of the employee, <sup>3</sup> there is nevertheless a sufficiently close link between the employee's acts for his own interests and the purposes and the business of the University.
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## 6 PRINCIPLES

The Policy is underpinned by the following principles:

- 6.1 The University is a public higher education institution under the HEA in terms of which it is desirable to restructure and transform programmes and institutions to respond better to the human resource, economic and development needs of the Republic; redress past discrimination and ensure representativity and equal access; provide optimal opportunities for learning and the creation of knowledge; promote the values which underlie an open and democratic society based on human dignity, equality and freedom; respect freedom of religion, belief and opinion; respect and encourage democracy, academic freedom, freedom of speech and expression (which includes freedom to receive or impart information or ideas), creativity, scholarship and research; pursue excellence, promote the full realisation of the potential of every student and employee, tolerance of ideas and appreciation of diversity; respond to the needs of the Republic and of the communities served by the institutions; contribute to the advancement of all forms of knowledge and scholarship, in keeping with international standards of academic quality; and for higher education institutions to enjoy freedom and autonomy in their relationship with the State

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yet the University may be held vicariously liable for such conduct if there was a sufficiently close link between the employee's act for his own interest and the purposes and business of the University. It will be difficult, for example, to deny that the University is liable where the employee in question was employed in the Student Finance Division.

<sup>3</sup> *Ibid.*

within the context of public accountability and the national need for advanced skills and scientific knowledge.

6.2 The University and its policies are subject to the Constitution of the Republic as the supreme law of the land and the other Laws of the Republic and in the case of the Policy these include the Copyright Act 98 of 1978, the Trade Marks Act 194 of 1993, the Competition Act 89 of 1998, the Electronic Communications Act 36 of 2005 and the Protection of Personal Information Act 4 of 2013.

6.3 Social media plays an important role in the institutional activities of the University including its:

6.3.1 teaching and learning;

6.3.2 research;

6.3.3 community engagement;

6.3.4 marketing and brand development.

6.4 Whilst social media platforms create new tools of communication, the norms applicable to traditional ways of communication are applicable to them. So the provisions of the Policy are informed by the norms applicable to traditional ways of communication and the provisions of the Policy in turn also record the conduct expected from Stakeholders in respect of all forms of expressions to the extent that they are consistent with the Law and applicable disciplinary codes.

6.5 The University uses social media platforms to pursue its vision, mission and strategic objectives. The contents uploaded to the UJ SMPs must at all times be consistent with the University's values.

6.6 The University is the registered proprietor of various trademarks including the University's logo. It jealously guards the way in which its trademarks (including its logo) and its name is used. The University has spent considerable time, money and effort in building its

reputation and in marketing and promoting its products and services, including under its registered trademarks and [www.uj.ac.za](http://www.uj.ac.za) domain name.

- 6.7 Since the University is the owner of the UJ SMPs, its trademarks (including its logo) and its domain name, the management and the administration thereof vest in the Vice-Chancellor and the Management of the University, who are accountable to Council in respect thereof.
- 6.8 Stakeholders have the freedom to express themselves in various forms of communication (including SMPs) outside the course and scope of their employment by the University and without them doing so for and on behalf of the University. Nevertheless the University may have a sufficient and legitimate interest in the contents of these expressions which may result in the University acquiring legal rights and remedies against them in terms of the Law.
- 6.9 Content uploaded to social media platforms are public, can be accessed globally, can be downloaded and further distributed, and is usually permanent, even if deleted.

## **7. DUTIES OF EMPLOYEES IN RESPECT OF SMPS**

- 7.1 The contents of UJ SMPs must at all times comply with the University's rules, regulations, policies, procedures and practices.
- 7.2 All employees are bound by the UJ Conditions of Service and the rules, regulations, policies, practices and Standard Operating Procedures that govern their conduct, including in respect of SMPs. All employment contracts also include express and tacit terms, and terms implied by law. Without limiting the generality of the aforesaid these require that:
  - 7.2.1 all employees must act in, promote, and protect the interests of the University;
  - 7.2.2 all employees must retain a relationship of trust and confidence with the University (i.e. employees stand in a fiduciary relationship to the University);

- 7.2.3 all employees owe the University a duty of utmost good faith;
- 7.2.4 all employees must act with care and skill;
- 7.2.5 employees' conduct may not cause disharmony in the workplace (i.e. the University is entitled to insist on reasonably harmonious interpersonal relationships in the workplace). Within the University's context it is recognised that robust academic debate and intellectual engagement by themselves are acceptable and encouraged and are considered to be in line with the ethos of the University.
- 7.3 Arising from the aforesaid considerations expressions by employees, even in what may be considered by them to have been made in a personal or private capacity, may result in the University acquiring legal rights and remedies against them in terms of the Law. The more likely it is for members of the public to associate an employee of the University with the University, the more such employee must be alert to this issue. Employees must be mindful that it is nowadays relatively easy to use publicly available information (for example on websites) to establish that a person is employed by or associated with the University.
- 7.4 Instances where the University may acquire legal rights and remedies in terms of the Law against employees arising from their expressions, include when expressions wrongfully infringe upon the rights of the University, its Stakeholders, or others, or when inappropriate wrongful expressions are associated with the University. Examples of these include expressions which:
- 7.4.1 are or are likely to be harmful, detrimental or injurious to the University, its image, brand, and reputation<sup>4</sup> or the University's relationships<sup>5</sup> with others or groups;
- 7.4.2 are intended or are likely to have the effect of inciting violence or advocate hatred;

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<sup>4</sup> § 3.3.3 CoCS; § 3.3.4 CoCS.

<sup>5</sup> § 5.1(r) CoCE.

- 7.4.3 are or are likely to be interpreted as being threatening,<sup>6</sup> obscene,<sup>7</sup> abusive,<sup>8</sup> oppressive,<sup>9</sup> grossly offensive,<sup>10</sup> vulgar,<sup>11</sup> profane,<sup>12</sup> defamatory,<sup>13</sup> discriminatory,<sup>14</sup> racist,<sup>15</sup> pornographic,<sup>16</sup> intimidating,<sup>17</sup> indecent,<sup>18</sup> harassing<sup>19</sup> or otherwise wrongful;<sup>20</sup>
- 7.4.4 infringes upon intellectual property rights or privacy laws;
- 7.4.5 bring or are likely to bring the University or any person employed by or attending the University into disrepute;<sup>21</sup>
- 7.4.6 fall in the above categories and are further distributed or associated with (for example retweeted, shared, or linked on a SMP, or to which an employee is tagged without doing anything about it if possible<sup>22</sup>).
- 7.5 Disclaimers such as “these are my personal views” or “these comments should not be imputed to my employer” may, where appropriate, be considered to be mitigating factors, but do not necessarily put an expression beyond the sufficient and legitimate interest of the University in terms of the Law.
- 7.6 Employees should be aware that the lines between a “professional” social media persona and “private” or “personal” social media persona have become blurred. There is a growing body of legal precedent that acknowledges that employers may take disciplinary measures against employees and even dismiss them arising from expressions on supposedly

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<sup>6</sup> § 5.1(h) CoCE; § 4.3.1 CoCS; § 13.4.3 of approved Electronic Communications Policy.

<sup>7</sup> § 5.1(g) CoCE § 13.4.3 of approved Electronic Communications Policy.

<sup>8</sup> § 5.1(g) CoCE.

<sup>9</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>10</sup> § 5.1(k) CoCE; § 13.4.3 of approved Electronic Communications Policy.

<sup>11</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>12</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>13</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>14</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>15</sup> § 4.3.5 CoCS; § 13.4.3 of approved Electronic Communications Policy.

<sup>16</sup> § 13.4.3 of approved Electronic Communications Policy.

<sup>17</sup> § 5.1(k) CoCEI § 4.3.1 CoCS.

<sup>18</sup> § 5.1(p) CoCE; § 2.1.3 COCS; § 13.4.3 of approved Electronic Communications Policy.

<sup>19</sup> § 5.1(o) CoCE

<sup>20</sup> § 4.3.1 CoCS; § 13.4.3 of approved Electronic Communications Policy.

<sup>21</sup> § 2.1.3 CoCS; § 3.3.3 CoCS; § 3.3.4 CoCS.

<sup>22</sup> This is subject to “wrongfulness” and alerts Stakeholders to *Isparta v Richter and Another* (22452/12) [2013] ZAGPPHC 243; 2013 (6) SA 529 (GNP) (4 September 2013).

“private” or “personal” SMPs in instances where they can be associated with their employer.

- 7.7 As long as employees act in the utmost of good faith towards the University, observe the University’s values when expressing themselves including on “private” or “personal” SMPs and do not breach the express, tacit or implied terms of their employment contracts, the University is unlikely to involve itself with expressions not made in the course and scope of their employment. The University does not necessarily have an interest in expressions which do not fully meet this standard, but employees are urged to consider the matter carefully before making them.
- 7.8 All members of staff, in particular academic and research staff, may, and should, use their UJ designation when publishing the results of their research and scholarly work on SMPs, and when doing so they neither need, nor are they presumed to have, institutional endorsement for their views, arguments and results.

## **8. RESPONSIBILITIES OF STUDENTS**

Students must be alert to the fact that the contents they post on SMPs may not contravene the regulations to which they subscribe when they register as students of the University, including the UJ Student Regulations.

## **9. IDENTIFICATION**

- 9.1 Responsible Persons dealing with UJ SMPs must identify themselves clearly to the Social Media Management Section.
- 9.2 All Responsible Persons must give access to the UJ SMPs they use to the Social Media Management Section either as administrators or by giving email address passwords to the Social Media Management Section for safe storage.

## **10. UNAUTHORISED USE OF UJ PROPERTY**

No person may use the UJ Brand, which includes, but is not limited to, its logos, slogans, corporate colours, trademarks, banners, wedge on SMPs or online platforms, unless prior written consent has been obtained from the Marketing and Brand Office of the University or is consistent with the templates provided by this Office.

## **11. CANCELLATION OF THE RIGHT TO USE SOCIAL MEDIA**

UJ reserves the right to cancel and/or delete any content on UJ SMPs at its sole discretion.

## **12. REPORTING OF BREACHES**

Employees must report any breach of this Policy to the Social Media Management Section.

## **13. ALLOCATION OF DUTIES TO THE SOCIAL MEDIA MANAGEMENT SECTION, FACULTY MARKETING REPRESENTATIVES AND REPORTING LINES**

- 13.1 The Social Media Management Section co-ordinates institution-wide efforts in the use of UJ SMPs and has the authority to manage and control UJ SMPs in respect of the University's reputation.
- 13.2 The Social Media Management Section's first point of contact with regard to SMPs is the faculty marketing representatives and Responsible Persons within other support divisions.
- 13.3 Faculty marketing representatives or persons tasked to perform the relevant function, co-ordinate, monitor and track the faculty's or division's presence on SMPs.
- 13.4 The reporting line for issues occurring or arising from SMPs follows normal reporting lines, which usually (but not always) amount to the following: units/centres report to departments/sections; departments/ sections to faculties/divisions; faculties/divisions to the University Social Media Management Section, which then reports to the Advancement Executive Director and then the Vice-Chancellor and MEC. The reverse is the case with regard to disseminating messages on SMPs from the top down.

## **14. RESPONSIBLE PERSONS AND THEIR DUTIES**

- 14.1 Responsible Persons for UJ SMPs include Content Loaders and Content Providers and may function as such within a division, department, faculty or support unit within the University.
- 14.2 A person can approach the Social Media Marketing Management Section to be appointed as a Responsible Person and for permission to have a UJ SMP presence on behalf of the University.
- 14.2 Responsible Persons are appointed according to their capabilities and experience with regard to SMPs, marketing and communications.
- 14.3 Responsible Persons must have permission from their direct line manager to post information on behalf of the division, department faculty or support unit.
- 14.4 By posting content on any UJ SMP, Responsible Persons warrant and represent that the University either owns or otherwise has the rights to publish that content, including, without limitation, all the rights necessary for such provision, posting, uploading, input or submission of the content, or that the use of the content amounts to fair use.
- 14.5 Responsible Persons must follow the crisis management protocol as outlined in the Social Media Standard Operating Procedures document when necessary.
- 14.6 Responsible Persons must uphold the corporate identity of the University.
- 14.7 Responsible Persons must have regard to the University's duty to respect and encourage academic freedom and freedom of expression.
- 14.8 Responsible Persons must read, understand and follow the University's Standard Operating Procedures (SOP) document. Having read and understood the aforementioned SOP, Responsible Persons may be called upon to show written proof of social media strategy.

- 14.9 All Responsible Persons must add the UJ online Terms and Conditions to the UJ SMPs for which they are responsible.
- 14.10 Responsible persons must impart strategic, clear, concise and accurate information on behalf of the University.
- 14.11 Responsible Persons may not take a direct stance on contentious issues and portray their presence on UJ SMPs in an objective and tolerant manner.
- 14.12 Responsible Persons may not impart confidential or sensitive information regarding the University or its Stakeholders.
- 14.13 Responsible Persons must adhere to the feedback given by the University Social Media Management Section regarding the annual audit conducted on all UJ SMPs associated with the University's name for which they are responsible.
- 14.14 Responsible Persons must protect the good name and reputation of UJ.
- 14.15 Responsible Persons must ensure that their personal reputation and online presence would not bring the UJ Brand into disrepute.
- 14.16 Conduct which bring the University's reputation into disrepute include behaviour that may incite violence; is slanderous or defamatory; and includes the posting of content bordering on or of a pornographic nature.
- 14.17 No person will be allowed to post information that is private, confidential or wrongfully infringes upon another person's rights and that may amount to or promote hate speech or incite hatred.
- 14.18 Responsible persons must refrain from spamming.
- 14.19 The safe and secure usage of UJ SMPs is dependent on the discipline of Responsible Persons by keeping the relevant passwords safe, by terminating open sessions, by using

password protected screensavers which activate after a period of inactivity, and logging out of the electronic communications facilities when any such systems are left unattended.

- 14.21 Should a Responsible Person refuse to place a particular post on social media based on the principles outlined above, the person who wishes the post to be loaded may appeal to the Head of UJ Social Media Management Section for a decision in the case of non-academic content, or the Head of UJ Social Media Management Section and an Executive Dean in the case of academic content. The Head of the UJ Social Media Management Section and the Executive Dean, if applicable, must ensure that the views of the person wishing to post the contents and the Responsible Person are taken into account. Should the Head of the UJ Social Media Management Section and the Executive Dean, if applicable, not agree on the outcome of the appeal, the matter is referred to the MEC for decision. Should the outcome of the appeal be in favour of the Responsible Person, the person who wishes the post to be loaded can make a final appeal to the MEC.

## **15. POLICY INFRINGEMENT**

- 15.1 The University's response, if any, to breaches of the Policy are dealt with on a case-by-case basis and according to the severity of the breach. Any action taken by the University arising from breaches of the Policy must be sustainable in law and no employee or student will be guilty of misconduct in circumstances where she/he is able to justify in law her/his conduct inconsistent with the Policy (§ 6.2).
- 15.2 The Responsible Person's line manager is consulted depending on the breach of Policy.
- 15.3 Under appropriate circumstances breaches of the Policy may be referred to the University's Human Resource Management Division, the Student Ethics and Judicial Services or the relevant Committee of Council for disciplinary action. Depending on the severity of the breach of the Policy, disciplinary action may result in any permissible sanction being imposed including dismissal in the case of employees or expulsion in the case of students.
- 15.4 It is the right of the parties to a disciplinary enquiry to call witnesses whose testimony is relevant to reach a verdict or sanction in a matter, which witnesses may include members

of the UJ Social Media Management Section and the Senate Academic Freedom Committee.

## **16. EVALUATION**

Reports on the implementation of the Social Media Policy are monitored by the Division of Institutional Advancement.

## **17. REVIEW**

The Policy is reviewed at least every three years.

## **18. ENQUIRIES**

Enquiries should be sent to the Social Media Manager or the Senior Manager of Marketing and Brand within the Division of Institutional Advancement. In the event that neither of these parties is available, the query should be submitted to one of the Social Media Coordinators and, in the case of a crisis, in the absence of the aforementioned Social Media Manager and Senior Manager, the Executive Director of Institutional Advancement should be contacted.

## **19. APPENDIX**

This Policy must be read with the Social Media Standard Operating Procedures.

## **20. INTERPRETATION AND COMMENCEMENT**

20.1 Any reference to the singular includes the plural and vice versa. A reference to gender includes all genders.

20.2 Should any statute or statutory provision to which the Policy refers be amended or replaced by another statute, any reference in the Policy to that statute or statutory provision will be interpreted to refer to the amended statute or statutory provision, or to the

statute or statutory provision which replaces the statute or statutory provision to which the Policy refers.

- 20.3 If any provision of the Policy is or becomes invalid or unenforceable by virtue of law, such provision shall be divisible and be regarded as *pro non scripto* and the remainder of the Policy shall be regarded as valid and enforceable.
- 20.4 If any definition contains a substantive provision, notwithstanding that it is only in the definition (or such other clause) effect shall be given to it as if it were a substantive provision in the body of the Policy.
- 20.5 The use of the word "including" or other grammatical forms thereof followed by specific examples shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific examples.
- 20.6 No provision of the Policy referring to wrongfulness or other grammatical form thereof shall be interpreted to determine the onus of proof in respect of wrongfulness. Whether the University carries the onus to prove wrongfulness, or someone who is alleged to have breached the Policy is required to disprove wrongfulness (for example, exclude wrongfulness by proving a ground of justification where appropriate, for example, by relying on the defence that the publication was true and in the public interest, or that the publication constituted fair comment in the case of defamation) is determined by law.
- 20.7 The Policy does not seek to fully codify the issues to which it refers and shall not be interpreted to (in any way) amount to a waiver, or prejudice or limit the University's rights and remedies against Stakeholders in terms of the Law and the codes of conduct applicable to Stakeholders.
- 20.8 The Policy or any amendment thereof will come into operation when approved by the appropriate structures of the University.