

# HAVING AND MANAGING SOCIAL MEDIA WITHOUT GETTING INTO HOT WATER

SUSAN MARKS (ATTORNEY AND BCBA-D)

[susan@susanmarks-advocates.com](mailto:susan@susanmarks-advocates.com)

VANESSA DICARLO (EDUCATIONAL ADVOCATE)

[vanessa@susanmarks-advocates.com](mailto:vanessa@susanmarks-advocates.com)



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# SOCIAL MEDIA...

Personal vs.  
Professional

Company Policies

First Amendment



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# HOT WATER: ISSUES FOR BEHAVIOR ANALYSTS

- MAR
- MAN
- CON
- COM
- GAT



ETHICAL CONDUCT



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



# *BACB PROFESSIONAL AND ETHICAL COMPLIANCE CODES*

- **CODE #1. RESPONSIBLE CONDUCT OF  
BEHAVIOR ANALYSTS.**
- **CODE #6. BEHAVIOR ANALYSTS' ETHICAL  
RESPONSIBILITY TO THE PROFESSION OF  
BEHAVIOR ANALYSTS.**
- **CODE #8. PUBLIC STATEMENTS.**



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# FEATURES/SETTINGS TO PAY ATTENTION TO

- **PRIVACY CONTROLS**
  - **WHAT HAPPENS WHEN YOU “LIKE”**
  - **WHAT HAPPENS WHEN YOU COMMENT**
  - **WHAT HAPPENS WHEN SOMEONE ELSE “LIKES” OR “TAGS”**
  - **WHAT HAPPENS WHEN SOMEONE ELSE COMMENTS**
- **DIFFERENCES: TWITTER VS. FACEBOOK**



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# PUBLIC STATEMENTS

Behavior analysts comply with this code in public statements relating to their professional services, products, or publications, or to the profession of behavior analysis. Public statements include, but are not limited to, paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curriculum vitae, interviews or comments for use in media, statements in legal proceedings, lectures and public presentations, social media, and published materials.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

## 8.01

# ● AVOIDING FALSE OR DECEPTIVE STATEMENTS

- (a) Behavior analysts do not make public statements that are false, deceptive, misleading, exaggerated, or fraudulent, either because of what they state, convey, or suggest or because of what they omit, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. Behavior analysts claim as credentials for their behavior-analytic work, only degrees that were primarily or exclusively behavior-analytic in content.
- (b) Behavior analysts do not implement non-behavior-analytic interventions. Non-behavior-analytic services may only be provided within the context of non-behavior-analytic education, formal training, and credentialing. Such services must be clearly distinguished from their behavior-analytic practices and BACB certification by using the following disclaimer: “These interventions are not behavior-analytic in nature and are not covered by my BACB credential.” The disclaimer should be placed alongside the names and descriptions of all non-behavior-analytic interventions.
- (c) Behavior analysts do not advertise non-behavior-analytic services as being behavior-analytic.
- (d) Behavior analysts do not identify non-behavior-analytic services as behavior-analytic services on bills, invoices, or requests for reimbursement.
- (e) Behavior analysts do not implement non-behavior-analytic services under behavior-analytic service authorizations.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



## 8.03

# STATEMENTS BY OTHERS

- (a) Behavior analysts who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.
- (b) Behavior analysts make reasonable efforts to prevent others whom they do not oversee (e.g., employers, publishers, sponsors, organizational clients, and representatives of the print or broadcast media) from making deceptive statements concerning behavior analysts' practices or professional or scientific activities.
- (c) If behavior analysts learn of deceptive statements about their work made by others, behavior analysts correct such statements.
- (d) A paid advertisement relating to behavior analysts' activities must be identified as such, unless it is apparent from the context.



# 8.04

## MEDIA PRESENTATIONS AND MEDIA-BASED SERVICES

- (a) Behavior analysts using electronic media (e.g., video, e-learning, social media, electronic transmission of information) obtain and maintain knowledge regarding the security and limitations of electronic media in order to adhere to this Code.
- (b) Behavior analysts making public statements or delivering presentations using electronic media do not disclose personally identifiable information concerning their clients, supervisees, students, research participants, or other recipients of their services that they obtained during the course of their work, unless written consent has been obtained.
- (c) Behavior analysts delivering presentations using electronic media disguise confidential information concerning participants, whenever possible, so that they are not individually identifiable to others and so that discussions do not cause harm to identifiable participants.
- (d) When behavior analysts provide public statements, advice, or comments by means of public lectures, demonstrations, radio or television programs, electronic media, articles, mailed material, or other media, they take reasonable precautions to ensure that (1) the statements are based on appropriate behavior-analytic literature and practice, (2) the statements are otherwise consistent with this Code, and (3) the advice or comment does not create an agreement for service with the recipient.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# 8.05

## TESTIMONIALS & ADVERTISING

Behavior analysts do not solicit or use testimonials about behavior-analytic services from current clients for publication on their webpages or in any other electronic or print material. Testimonials from former clients must identify whether they were solicited or unsolicited, include an accurate statement of the relationship between the behavior analyst and the author of the testimonial, and comply with all applicable laws about claims made in the testimonial.

Behavior analysts may advertise by describing the kinds and types of evidence-based services they provide, the qualifications of their staff, and objective outcome data they have accrued or published, in accordance with applicable laws.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



**Mardi R.**  
**Brooklyn, NY**

0 friends

9 reviews

★★★★☆ 7/27/2015

Dr. Dayani was curt and dismissive, and seemed annoyed with the way I answered his questions. But he did seem to be genuinely interested in finding out what was causing my pain, and how it can be helped. However, it was an absurdly long wait. After about an HOUR, I was finally seen (my appt was at 11AM). Then after speaking with him for about 5-10 minutes, he left me for "just a second" to deal with another patient... I didn't see him for another half hour. Of the total TWO HOURS FIFTEEN MINUTES I was there, I think I was speaking to Dr. Dayani for about 30 minutes of that whole time. The rest was spent in his chair, without being offered a water or a magazine. And at the end of it all, he couldn't help determine what was bothering me. I left with a mouth full of pain and a recommendation to see my dentist for a possible cavity.

Was this review ...?



Useful 2



Funny



Cool



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



## Recommended Reviews for Nima Dayani, DDS



Sort by **Yelp Sort** ▾

Language **English (62)** ▾

### Consumer Alert: Questionable Legal Threats

This business may be trying to abuse the legal system in an effort to stifle free speech, including issuing questionable legal threats against reviewers. As a reminder, reviewers who share their experiences have a First Amendment right to express their opinions on Yelp.

**Got it, thanks!**



around with teeth, and this day in age, you really have to fight for good medical care. Dr. Dayani is a nice guy and a great doctor. He is very professional and so is his assistant John and Elizabeth at the front desk. The office is very clean and nice, with a modern design. I had an abscessed tooth that I failed to self diagnose until it



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# RESPONSIBLE CONDUCT OF BEHAVIOR ANALYSTS

Behavior analysts maintain the high standards of  
behavior of the profession.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# HOT WATER: REPUTATION

**73%** think that employees share too much online.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



# 1.01

## RELIANCE ON SCIENTIFIC KNOWLEDGE

### 1.01 Reliance on Scientific Knowledge. <sup>RBT</sup>

Behavior analysts rely on professionally derived knowledge based on science and behavior analysis when making scientific or professional judgments in human service provision, or when engaging in scholarly or professional endeavors.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# 1.04 INTEGRITY

## 1.04 Integrity. <sup>RBT</sup>

- (a) Behavior analysts are truthful and honest and arrange the environment to promote truthful and honest behavior in others.
- (b) Behavior analysts do not implement contingencies that would cause others to engage in fraudulent, illegal, or unethical conduct.
- (c) Behavior analysts follow through on obligations, and contractual and professional commitments with high quality work and refrain from making professional commitments they cannot keep.
- (d) Behavior analysts' behavior conforms to the legal and ethical codes of the social and professional community of which they are members. *(See also, 10.02a Timely Responding, Reporting, and Updating of Information Provided to the BACB)*
- (e) If behavior analysts' ethical responsibilities conflict with law or any policy of an organization with which they are affiliated, behavior analysts make known their commitment to this Code and take steps to resolve the conflict in a responsible manner in accordance with law.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# 1.05

## PROFESSIONAL & SCIENTIFIC RELATIONSHIPS

(a) Behavior analysts provide behavior-analytic services only in the context of a defined, professional, or scientific relationship or role.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



# BEHAVIOR ANALYSTS' ETHICAL RESPONSIBILITY TO THE PROFESSION OF BEHAVIOR ANALYSTS

Behavior analysts have an obligation to the science of behavior and profession of behavior analysis



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)

# 6.02

## DISSEMINATING BEHAVIOR ANALYSIS

Behavior analysts promote behavior analysis by making information about it available to the public through presentations, discussions, and other media.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



# Welcome to Behaviorbabe

ETHICAL ADVOCATE FOR ACCURATE APPLICATION & DISSEMINATION OF BEHAVIOR ANALYSIS



Behavior analysis owes no affiliation with a particular intervention. It is a scientific problem-solving approach aimed at producing socially significant behavior changes for the purpose of improving quality of life for individuals, families & communities.

This site is intended an independent marketing tool, an educational outlet, and as a forum for colleagues, parents and anyone interested in learning and discussing more about [Applied Behavior Analysis \(ABA\)](#).

If you are interested in learning more about me, please visit the [Who's Amanda](#) and [Who's Behaviorbabe™](#) pages. Thank you for taking the time to visit this site and to learn more about the science of behavior.

~ Amanda N. Kelly, PhD, BCBA-D, LBA aka [Behaviorbabe™](#)



Tweet



t



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)



BACB Board of Directors.






Sanctions listed below as "**Mandatory Supervision**" mean that the credential is currently in good standing; however, the Disciplinary Review Committee determined that the individual needs ongoing supervision and feedback to address concerns raised in the Notice of Alleged Violation. When the mandatory supervision goals are met then the Mandatory Supervision publication is removed from the website.

Individuals with revocations and suspensions are strictly prohibited from representing they are credentialed by the BACB during the period of revocation or suspension.

**Disciplinary and Trademark Actions** - select your area to begin

Country:

Region/State:

Location 	Year(s)	Name 	Reportable Sanction 	Compliance Code(s) Implicated	Former Disciplinary Standard Implicated 	Final Action 
Arizona	2013	---			#7	No Violation Found. Case Closed.
Arizona	2014	---			#3	Cease and Desist. Confirmed Compliance. Case Closed.
Arizona	2014	---			#3	Cease and Desist. Confirmed Compliance. Case Closed.
Arizona	2015	---			#3	Cease and Desist. Confirmed Compliance. Case Closed.



**SUSAN MARKS & ADVOCATES, PLLC**  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
www.susanmarks-advocates.com

# REFERENCES

BACB, *Professional And Ethical Compliance Code For Behavior Analysts*. <http://bacb.com/wp-content/uploads/2016/03/160321-compliance-code-english.pdf>

O'Leary, P.N., Miller, M.M., Olive, M.L. et al. Blurred Lines: Ethical Implications of Social Media for Behavior Analysts. *Behavior Analysis in Practice* (2015). Doi:10.1007/S40617-014-0033-0.

*City & County Attorney Legal Guide to Social Media*. available at <http://www.govtech.com/library/papers/City-County-Attorney-Legal-Guide-to-Social-Media-46207.html>

Sarah C. Threnhauser, *Before You Respond To That Online Review...* <http://us3.campaign-archive2.com/?u=ba359ce1c416ea9db3b26a100&id=db215aba7c&e=bde6e42c33>

Sara Kropf, *Responding To Negative Online Patient Reviews: 7 Tips*. <http://www.physicianspractice.com/blog/responding-negative-online-patient-reviews-7-tips>



SUSAN MARKS & ADVOCATES, PLLC  
A LAW FIRM FOR DISABILITY-RELATED ISSUES

3260 N. Hayden Road, Suite 210 • Scottsdale, AZ 85251  
Phone: (480) 459-2403 • Fax: (480) 567-0226  
[www.susanmarks-advocates.com](http://www.susanmarks-advocates.com)