

TOWN OF SANDWICH

SOCIAL MEDIA POLICY

(Policy Attachment #11)



OCTOBER 25, 2018

**Adopted:
May 3, 2018**

I. PURPOSE AND SCOPE

The Town of Sandwich (“Town”) recognizes the importance of online social media networks as a communication tool. The use of social media presents certain risks, and carries with it certain responsibilities. Social Media, while a relatively new form of activity, does not change the law or expectations around public service. The Town recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Town in promoting accountability, responsible and mature judgment, and the efficiency of the public services it performs through its employees and officials. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

To that end, this policy establishes guidelines for employees’ personal use of social media (Section II), as well as for the official use of social media by Town employees and officials for government-related purposes (Section III).

The Policy applies to all employees, officers, and officials (elected and appointed) of the Town of Sandwich. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

This Policy is to be read in conjunction with all other applicable policies and rules of the Town, including but not limited to the Town’s Personnel Policies and Procedures. It may be amended from time to time, and may be supplemented with additional administrative procedures and rules as may be issued.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, union Activities).

A. Definitions

The following definitions apply for purposes of this Policy.

1. “Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.
2. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and

LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.

3. A “social media identity” is a specific user identity or account that has been registered on a third party social media site.
4. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
5. A “moderator” is an authorized Town of Sandwich official (appointed or elected) or employee, who reviews, authorizes and allows content submitted by Town officials, employees and public commentators to be posted to a Town of Sandwich social media site or sites.
6. “Town Systems” are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, “smartphone”/PDA-style devices, tablets, pagers, facsimile machines, and the Internet.
7. “Town social media site” is any official social media site established by or for a Town department, with the authorization of the Town Manager.

II. GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA

All employees and officials are responsible for what they post online. Through this Policy, the Town is not intending to act as “thought police” or otherwise unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of Town government to function efficiently and effectively cannot be ignored. Any conduct that exposes the Town to legal liability may result in disciplinary action up to and including termination.

A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of Town government, including any matter pending or reasonably anticipated to be pending before any Town board, committee, commission, or Town Meeting, all personal posts on any social media site shall contain an express statement that “The postings on this site are my own and do not represent the views, positions or opinions of the Town” or similar disclaimer. Employees and officials should not, except as authorized by their supervisor or board, represent themselves as a spokesperson for the Town.
2. Employees and officials should be mindful that social media activity that violates any of the Town’s policies may result in disciplinary action, up to and including

termination. Such policies include, but are not limited to, the Town's Information Technology Resources Use Policy, Anti-Harassment and Discrimination Policy as well as the Personnel Policies and Procedures.

3. Department heads and other employees or officials with policy-making authority must be mindful that there is greater risk that their comments or conduct while participating in social media may have a direct and negative impact upon the integrity of their board/committee or department and the public's perception of Town government as a whole. Furthermore, there is a greater likelihood that the public will view their conduct/comments as representative of an official position or policy of the Town, even when personal disclaimers are made.

B. Prohibited Conduct

1. No Town Systems are to be used to make personal posts on any social media site or platform.
2. No personal posts shall be made during work time.
3. Town e-mail addresses may not be used to register on social networks, blogs, or other online tools utilized for personal use, and may not be used when setting up or establishing social media sites for personal use.
4. Per G.L. c. 268, §35, no employee or official shall post the Town Seal on any Internet site [i.e., social media network, website, blog site] or in any other Internet and/or social media communication or posting, with intent to give to such site or posting an official character which it does not possess, or unless authorized in writing in advance by the Town Manager.
5. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, bullying, and/or threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
6. Do not post internal reports, draft policies, procedures, or other internal confidential communications or documents. Employees shall maintain the confidentiality of the Town's procedures for the development of policy and other such data exempt from the Public Records Law. The state's Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Sandwich Town Clerk.
7. Do not post information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information

and any other personal medical information, information concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.

8. Employees and officials operating personal social media sites are subject to the same guidelines as above for the operation and administration of sites under their control, when focusing on topics relating to the functioning or operations of Town government. In order to avoid the appearance of being an official Town social media site, the site must clearly indicate their participation and carry a disclaimer that “The operation and administration of this site are my own and do not represent the views, positions or opinions of the Town”.
9. Members of multi-member boards, committees and commissions must be mindful of the requirements of the Open Meeting Law, when participating in social media, in both personal and (where authorized) official capacities. A quorum of a board/committee/ commission should avoid posting on social media sites discussing topics relating to the functioning or operations of Town government, or on topics relating to matters under that board/committee/commission’s jurisdiction, as doing so may violate the Open Meeting Law. Additionally, a series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

C. Permitted Conduct

1. Employees and officials may include, in their social media personal profiles, their job titles, as well as information about their personal participation in Town sponsored-events, including volunteer activities. Employees shall not include the official titles when posting personal statements as per Section II.A. (1) and Section III.A (14) of this policy.

III. USE OF SOCIAL MEDIA SITES FOR OFFICIAL PURPOSES

The Town of Sandwich permits departments to utilize social media sites and social networking sites (collectively “social media sites”) to further enhance communications with its residents and various stakeholders in support of the department’s goals and objectives. Town of Sandwich officials and departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town of Sandwich business. Social media sites facilitate further discussion of Town of Sandwich government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. The Town has the ability to place limitations and restrictions upon the content of its website and social media sites. This section of the policy sets forth requirements that must be adhered to with respect to utilization of social media sites for official Town of Sandwich purposes, as well as explanatory guidance.

A. General Requirements for Establishment and Maintenance of Official Town Social Media Sites

1. All Town social media sites shall be:
 - a) approved by the Town Manager with a documented letter of approval; and
 - b) published using a social media platform and tools approved by the Information Technology (“IT”) Department.
2. Posting for the Town on such sites shall only be performed by the Town Manager or his/her designee(s).
3. Subject to prior approval of the Town Manager, departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or prohibit employee participation in any social media activities in their departments.
4. All Town social media sites shall adhere to applicable state and federal laws, regulations and policies, including, but not limited to, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Copyright Law, Campaign and Political Finance laws and rules, and other applicable Town policies.
5. Because the Public Records Law applies to social media content, all posts, once made, may not be deleted or amended, except to correct typographical errors, and a record shall be kept of any such modifications.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Sandwich Internet site for forms, documents and other information.
7. All Town social media sites shall clearly indicate that they are maintained by the Town of Sandwich and shall have the Town of Sandwich contact information prominently displayed, and, if possible, the Town Seal.
8. Town social media content shall not contain the following:
 - a) Profane, obscene, or vulgar language or content;
 - b) Comments or content that are denigrating, threatening, insulting, bullying or harassing;
 - c) Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, gender identity, disability, pregnancy or pregnancy-related conditions,

genetic information, active military status, or any other status protected by state or federal law;

- d) Sexual content or links to sexual content;
- e) Conduct or encouragement of illegal activity;
- f) Information that may tend to compromise the safety or security of the public or public systems;
- g) Content that violates a legal ownership interest of any other party;
- h) Protected health information;
- i) Personnel data; or
- j) Other information that is not public record or is otherwise privileged from public disclosure.

9. All Town social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the Policy.

10. To the extent applicable, the Town's IT security policies shall apply to all social media sites and articles.

11. Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including the Personnel Policies and Procedures) of the Town of Sandwich. Town employees, officials, board members and committee members shall not use a title unless they are posting in an official capacity or on an official Town social media site, with authority to do so.

12. No Town or department social media site may endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders. Employees may not engage in political activity during working hours. This includes, but is not limited to, engaging in political activity, including the endorsement of any candidate for elective office, via a Town social media site.

13. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

B. Employee Use of Official Town Social Media Sites

The following provides further explanation of the requirements for Town media social media site, set forth in Section A, above.

1. Information Technology Resources Use Policy. All employees are responsible for understanding and complying with the Town's Electronic Communications and Computer Usage Policy.

2. First-Amendment Protected Speech. Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict

speech that is obscene, threatening, discriminatory, or harassing, the Town cannot use the moderation function to restrict speech with which the Town merely disagrees (i.e. subject matter restrictions). Users have First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those removed for specific legitimate reasons, as referenced above.

3. Copyright Law. Employees and officials must abide by laws governing copyright and fair use of copyrighted material owned by others, including written material, photography, videography and digital media. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original.

4. Conflict of Interest. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest in violation of the provisions of G.L. c. 268A.

5. Protected Confidential Information. Employees are prohibited from posting legally protected personal information that has been obtained during the course of performing official duties (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Conversations that occur amongst Town officials/employees outside public forums should not be published or reported on, unless authorized by the Town Manager. Information about policies, rules, or plans that have not been finalized or officially adopted by the Town should not be posted unless explicitly approved in advance by the Town Manager or relevant Department Head, for instance, where public comment or input is being solicited.

6. Carefully Consider Content. Town social media sites are not an appropriate forum for commentary about rumors, political disputes, and such comments are not permitted. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they still constitute official government communications. Social media sites will be sought out by mainstream media, and therefore, consideration needs to be exercised to use social media in a way that benefits both the Town and the public.

7. Handling Negative Comments. Town Employees and Officials shall only post factual information as it relates to a Town related matter. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it is anticipated that some of the feedback received will be negative. Some effective ways to respond to negative comments include:

- a) Provide accurate information in the spirit of being helpful;
- b) Remain respectful; and
- c) Notify the moderator to address the matter prior to any escalation.

8. Respect the Audience and Town Employees and Officials. Ethnic slurs, personal insults, obscenity, or any conduct that would not be acceptable in the workplace, are similarly prohibited on the Town's social media sites. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as party politics and religion. The Town's social media presence shall not be used to communicate among Town employees for work purposes.

9. Use Social Media Sites or Identities Only to Contribute to the Town or Department's Mission. All postings should provide useful information and perspective that contributes to the Town's and/or Department's mission of serving the public. What is published on Town social media sites reflects on the Town and town government. Social media sites and identities should be used in a way that contributes to the Town's mission by:

- a) Helping Town employees and officials perform their jobs better;
- b) Informing citizens about government services and how to access them;
- c) Making government operations transparent and accessible to the public;
- d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
- e) Encouraging civic engagement.

10. Mistakes. The Town's policy is that once something is posted on a Town social media site, it should remain posted. Only spelling or grammar errors may be made without making the change evident to users. If the decision is made to modify an earlier post, make it clear that this has been done - do not remove or delete the incorrect content; provide the correct information and where appropriate, apologize for the error. Ways to accomplish this include:

- a) Strike through the error and correct; or
- b) Create a new post with the correct information, and link to it from the post that is being corrected or clarified.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

11. Defamation. Under Massachusetts law, defamation is established by showing that an individual published a false statement about another party that either caused the individual economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees must avoid statements that may be interpreted as defamatory.

12. Records Retention. Social media sites will contain communications sent to or received by Town officials and employees, and therefore constitute Public Records. Officials must ensure that the Town or department retains a copy of the social media

content in accordance with applicable Public Records Retention Schedules and in accordance with the Public Records Law.

IV. Media Contacts

Oftentimes, presence on social media can lead to inquiries from the press or media. Employees may not speak to the media on the Town's behalf, unless specifically authorized by the Town Manager. All media inquiries shall be directed to the Town Manager's Office.

V. Retaliation Prohibited

The Town expressly prohibits the taking of any action against any employee for reporting a possible deviation from, or violation of, this Policy, or for cooperating in an investigation of same.

VI. Additional Information

If you have questions or need further guidance regarding the Town's Social Media Policy, please contact the Town Manager's Office.

TOWN OF SANDWICH

SOCIAL MEDIA POLICY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, hereby acknowledge receipt of the Town's Social Media Policy on the date set forth below.

Employee's Signature

Witness

Date

Please keep the attached document for your files and return this Acknowledgement to the Town's Human Resources Department.

cc: Personnel File