

**Town of Mashpee Board of Selectmen  
Policy 074**

**Social Media Policy**

**I. PURPOSE AND INTENT**

The purpose of this policy is to provide notice to Town Officials and/or Employees (as hereinafter defined) of the Town of Mashpee (the "Town") that their use of social media must conform to this policy and the law. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its Officials and/or Employees; (2) expose the Town to legal liability for Employer or Employee behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Officials and/or Employees of the Town. This policy further provides guidance and direction to all Town Officials and/or Employees with respect to the use of the Internet, the World Wide Web, and social media as a medium of communication that impacts the morale and operational efficiency of the Town. This guidance is intended to clarify the boundaries between appropriate and inappropriate use of social media in a way that helps protect appointed and elected Town Officials and Employees' careers and the Town's reputation. Nothing in this policy is intended to unlawfully restrict an Employee's right to discuss as a private citizen a matter of public concern or engage in concerned activity with co-workers.

**II. POLICY**

The proper functioning of any Town and its organizational effectiveness and operational efficiency depends upon the public's confidence and trust in individual Town Officials and/or Employees, as a whole to carry out the Town's mission and to protect its core values. Any matter which brings discredit to Town Officials and/or Employees has the corresponding effect of reducing public confidence and trust in the Town itself, thus impeding the ability of Town Officials and/or Employees to serve the public. Professionalism is a significant factor in high level performance which in turn builds the public's confidence and trust. Additionally, when citizens call upon the Town for assistance, they should expect that Town Officials and/or Employees will keep certain details of their private lives and affairs confidential, and not release that information except, as may be permitted or required by law.

It is the policy of the Town to respect the Constitution and statutory rights of all Town Officials and/or Employees. While all Town Officials and/or Employees have the right to use personal social networking pages or sites, public servants are held to a higher standard than the general public with regard to standards of conduct and ethics.

Town Officials and Employees have an affirmative obligation while using social media to ensure they are not viewed as spokespersons for the Town when they are not authorized to speak for the Town. It is the policy of the Town that all Town Officials and Employees will conduct themselves in a manner that is consistent with the honorable mission and goals of the Town.

### **III. SCOPE**

This policy applies to all Town Officials and/or Employees without regard to whether their social networking activity is conducted within or outside the workplace, while working or not working.

### **IV. DEFINITIONS**

- A. The Town: Town of Mashpee, Massachusetts
- B. Officials: Individuals who hold office in the Town, whether elected or appointed.
- C. Employees: All persons employed by the Town, regardless of position.
- D. Users: Officials and/or Employees of the Town (individuals or groups) who use, direct, or control a social media account.
- E. Social Media: Online forums in which users participate in the exchange of ideas, messages, and content, including blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter). Web based technology tools that enable people to communicate electronically via the Internet and World Wide Web to share information and resources. Social media can include the sharing and exchange of information in the form of electronic data, text, audio, video, images, podcasts, webcasts, hyperlinks, and other multimedia electronic communications.
- F. Social Networking: The act of connecting to others through the use of social media.
- G. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

### **V. PROCEDURES**

- A. While Town Officials and/or Employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites, and other forms of social media while off-duty, their status as Town Officials and/or Employees of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, procedures, codes of conduct, directives, rules or regulations. The Town's image as a professional organization comprised of professional Town Officials and/or Employees is key to maintaining the respect of its constituents.

Although the Town recognizes that Town Officials and/or Employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its Town Officials and/or Employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, Town Officials and/or Employees must exercise caution with respect to comments they post in general and, in particular, those concerning the Town, a Town department and/or the Town's Officials and/or Employees.

- B. This section describes acceptable and unacceptable uses of all social media by Town Officials and/or Employees of the Town. Town Officials and/or Employees should use their best personal judgment when using any form of social media and must ensure that their use does not violate this or any other Town policy, code of conduct, directive, rule, regulation or bylaw.
- C. Town Officials' and/or Employees' use of social media is also subject to the Town's policies governing computers and communications. The Town's sexual harassment policy and harassment of individuals in protected class policy, as well as the Town's other policies and codes of conduct, directives, rules, regulations, and by-laws may further restrict such communication.
- D. All use of social media must conform to the following regulations:
  - 1. There is no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all Town-owned electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when administrative investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued e-mail accounts, Internet services, Intranet, cell phones, smart phones, pagers, Town-owned laptops and computers provided for remote use, and computer software constitutes acceptance of such monitoring.
  - 2. Town created Facebook pages and Twitter accounts should focus on providing a customer service tool for the dissemination of unbiased and factual information to the public. Any department seeking to post such information to the Town's social media sites may only do so with the permission of the Town Manager. Employees will be subsequently authorized by their respective department head. The primary purpose of such social media sites shall be to inform the public of work being performed, news and updates. This coordination and dissemination of timely information also serves the public interest by providing various plans or functions in which Town departments are participating.

3. All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct. Town Officials and/or Employees should avoid posting, disseminating or in any other way, broadcasting as a private citizen on a matter of public concern in such a way as to cause actual harm or disruption to the operations of any Town department. Town Officials and/or Employees may post, disseminate or broadcast on a matter of public concern as a spokesperson of the Town only upon express authorization by the Town Manager or his/her designee. Employees shall at all times exercise diligence to avoid appearing as a spokesperson for their respective department, except when duly authorized.
4. Town Officials and/or Employees may engage in concerted activities related to workplace issues, specifically the terms and conditions of employment among themselves or with non-employees for the purpose of engaging in concerted activities.
5. Town Officials and/or Employees are prohibited from engaging in any social networking activities that involve the recording or transmission of imagery involving the use of any Town buildings, vehicles, boats, seals, logos, insignia, uniforms, patches, badges, identifications, or similar images or markings creating the impression that the Town Official and/or Employee is acting in his/her official capacity when he/she is prohibited from doing so. As used in this section, still photographs or videos taken, posted, or transmitted (including live streaming) in any way shall apply to these restrictions. Town Officials and/or Employees are further advised that social media activities which involve the recording, posting, or transmission of imagery or audio, which makes such person identifiable as a Town Official and/or Employee, may make such communications subject to the state's public record laws creating legal obligations for them and the Town.
6. Town Officials and/or Employees shall not post, disseminate, or broadcast information that is known to be false, deceptive, libelous, slanderous, misleading or causes harm to others, including speech that constitutes hate speech or harassment; nor shall any Employees discuss protected or confidential matters of their respective department or matters that are protected by law.
7. Town Officials and/or Employees shall not post, disseminate, or broadcast Town-owned images or audio recordings without authorization to do so, unless such materials are public information.
8. Town Officials and/or Employees shall maintain an appropriate level of professionalism and conduct so as not to post, disseminate or broadcast, in a manner which is detrimental to the honorable mission and goals of the Town. This provision is not intended in any way to restrict the content of a posting that is protected by the First Amendment or collective bargaining laws, but rather is intended to apply to the use of offensive or vulgar terms; the posting of materials of a pornographic nature; or engaging in illegal activities.
9. Town Officials and/or Employees shall not engage in sexual harassment, discrimination, or retaliation against co-workers at any time.

10. Users must not reveal any confidential or privileged information about the Town, its constituents or its contractors. Users must be particularly careful to protect against the inadvertent disclosure of confidential information.
11. Users must not harass any other Town Officials and/or Employees in conjunction with the Town's computers and communications policy, sexual harassment policy, and harassment of individuals in protected class policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this policy even if the Town's name or the names of any of its Town Officials and/or Employees are not posted in the comment.
12. Users must ensure that they are always honest and accurate when posting information or news, and, if they make a mistake, must correct it quickly. Users may not post any information or rumors they know to be false about the Town, fellow Town Officials and/or Employees, constituents, suppliers, vendors, contractors, or any other entities or individuals.
13. Users may express only their personal opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the proper Town authority to do so. If the Town is a subject of the content created by an Employee, the Employee should be clear and open about the fact that he/she is an Employee of the Town and should make it clear that his/her views do not represent those of the Town, fellow Town Officials and/or Employees, suppliers, vendors, or any other agent of the Town. Users who publish blogs or other online posts related to the work they do or subjects associated with the Town must make clear that they are not speaking on behalf of the Town. Further, an Employee's decision to express their personal opinions does not alleviate their responsibility as an Employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to a supervisor and ultimately to a department head.
14. Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
15. Access to and use of social media must not interfere with a user's productivity and/or a user's ability to perform the duties and responsibilities of employment with the Town. Because social media is an emerging form of communication, the Town permits Employees to engage in limited social media activity, such as receiving a personal text message or a telephone call of limited duration. However, Employees are expected to use proper judgment and discretion, recognizing that disruptions in the workplace can impair operating efficiency. Any collective abuse or unreasonable time used for such purpose may result in such privileges being suspended or revoked.

16. Users are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its Town Officials and/or Employees.
  17. Town Officials and/or Employees are prohibited from using department computers for unauthorized purposes, including surfing the Internet or participating in social networking sites. (This section shall not apply to a police officer conducting an authorized investigation or other Employee conducting authorized business such as a background investigation.)
  18. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate Employees.
  19. Users are expressly prohibited from using social media to request, acquire, or purchase genetic information of an individual Employee, constituent, or family member of the individual Employee or customer, as specified by the EEOC's regulations governing Title II of GINA, 29 C.F.R. § 1635, et seq., except for information that is inadvertently or lawfully acquired pursuant to 29 C.F.R. § 1635. 8(b).
  20. Town Officials and/or Employees must be mindful that residents, property owners, and others appearing before Town boards, commissions, committees, or other groups come from all walks of life. Public comments, in any forum, that contain racial slurs, express bigotry toward a person or group based upon their race, religion, national origin, sexual orientation, gender, gender identity, or any other legally protected classification shall be considered conduct unbecoming of a Town Official or Employee, and shall constitute just cause for discipline and/or removal of any Town Official and/or Employee.
- E. The Town specifically acknowledges that police officers and firefighters may be required to use social media to perform their job duties and that such use, subject to the direction and authorization of the respective Chief, is permissible, notwithstanding that such use may otherwise appear to violate this policy.
  - F. This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E.
  - G. The Town encourages anyone who uses social media in violation of this policy to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the Town's ability to correct or remedy the issue.
  - H. Beyond the above general provisions, appointed and elected board/commission/committee members and Employees are strongly encouraged to consider the impact of their statements before making them. The Town strives to be professional in its operations and processes.

Posts that suggest a likelihood of more or less favorable treatment toward any individual or group of individuals based upon race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification, reflects poorly on the individual making the inappropriate statement as well as the Town and its citizens. Further, comments suggesting such treatment can expose the Town to liability and legal costs. All are strongly encouraged to carefully consider their comments before posting them.

#### **VI. COMPLAINTS OR PROBLEMS OF MISUSE**

Should any Employee of the Town receive or become aware of a violation of this policy, the Employee should report the violation to his/her Appointing Authority or to the Director of the Department of Human Resources as soon as possible. The Town Manager shall take appropriate action to cause an investigation into all facts and circumstances relating to such complaint. The Town prohibits taking action against any Employee for reporting a possible deviation from or violation of this policy and/or for cooperating in an investigation. Any Employee who retaliates against another Employee for reporting, in good faith, a potential violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

#### **VII. QUESTIONS**

Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Town Manager directly or through his/her department head.

#### **VIII. DISCIPLINE**

Any user who violates this policy shall be subject to appropriate discipline, up to and including termination of employment. The Town intends to follow each provision of this policy but reserves the right to change any provision, at any time, if circumstances warrant or require. A failure to enforce this policy shall not constitute a subsequent waiver of any Town recourse with respect to a violation of this policy. This policy shall be read and interpreted in conjunction with all other Town policies. Department heads are required to strictly enforce compliance of this policy, and the Town Manager shall ensure that department heads and all staff comply with these provisions.

***Adopted by the  
Mashpee Board of Selectmen  
September 11, 2017  
Pages: 8***

**TOWN OF MASHPEE SOCIAL MEDIA POLICY RECEIPT**

As a Town Official (Appointed or elected board/commission/committee member; or Employee), I acknowledge receipt of this *Social Media Policy* for appointed and elected members and appointed Employees. I further acknowledge that I have read it, understand it and don't have any questions interpreting it. I understand that all social media usage and information transmitted by, received from, or stored in Town systems are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these Town systems. I acknowledge that the Town may monitor my use of Town-owned electronic communication devices at any time, at its discretion. Such monitoring may include reviewing internet websites visited, including social media sites, printing and reading all e-mail entering, leaving or stored in these systems, and/or reviewing all documents created or downloaded, subject to authorized personnel with a legitimate need-to-know. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures.

Name of Town Official: \_\_\_\_\_  
(Print Name)

Signature of Town Official: \_\_\_\_\_

Date Signed: \_\_\_\_\_