

**Social Media  
Policy**



**Effective Date: / /2020**  
**Town of Chelmsford**

**INTRODUCTION**

This policy sets forth general guidelines that must be adhered to by any employee, volunteer, board/committee member-elected or appointed—and/or agent of the Town (hereinafter “Town employees et al”) with respect to the use of Town social media/social networking sites as well as non-Town sites when the user can be identified as a Town employee et al. The Town of Chelmsford permits utilization of social media sites and social networking sites to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. They provide the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town business. Social media sites facilitate further discussion of Town of Chelmsford government business operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

Questions regarding this Policy should be directed to the Town Manager or designee. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. This Policy may be amended from time to time and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Chelmsford.

**SCOPE OF POLICY**

This Policy applies to Town employees et al, during work hours and after work hours, while engaging or causing others to engage in social media. Town employees et al working with third parties are responsible for assuring that such third parties are properly trained on this Policy, and for monitoring their activities to ensure the third parties adhere to this Policy.

This Policy shall not be interpreted to preclude, impair or limit the right or ability of Town employees et al to communicate about terms and conditions of employment, and issues directly related thereto, as allowed by M.G.L. c. 150E. Nor shall this Policy be interpreted to prevent Town employees et al, in their private capacity, from discussing matters of public concern through social media, so long as such discussions and content does not substantially interfere with workplace harmony and efficient internal operations.

**DEFINITIONS**

1. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes, 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 and Instagram.
2. A “social media identity” is a specific user identify or account that has been registered on a third-party social media site.
3. 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.
4. A “Webmaster” is an authorized Town of Chelmsford official or employee, appointed by the Town Manager who reviews, authorizes and allows content submitted by the Town officials, employees and

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public commentators to be posted to a Town of Chelmsford social media site or sites.

5. A "tag" is an externally visible demarcation published by users that are used to identify content by associating it with a keyword.
6. A "tweet" is a post or status update on Twitter.
7. A "post" is an announcement, statement, communication, or image shared through a social media site.
8. A "page" is a section of a social media site designated for and associated with a specific social media identity.

### POLICY

1. All Town social media site posts and pages shall be:
  - a. approved by the Town Manager or designee and
  - b. published using social media platform and tools approved by the Town Manager or designee in consultation with the Town's Information Technology Department/Consultant.
2. All official posts and pages for the Town will be created or approved by the Town Manager, Department Head, or their designee.
3. 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 site posts or pages as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities, in their departments.
4. All Town usage of social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.
5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the post, page, blog and social media/network site. Where possible social media site posts and pages should link back to the official Town of Chelmsford Official Website for forms, documents and other information.
7. Each Town social media site post or page shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town of Chelmsford.
8. All Town social media site posts and pages shall clearly indicate they are maintained by the Town of Chelmsford and shall have the Town of Chelmsford contact information prominently displayed.
9. The Town reserves its right to restrict or remove any content that is deemed to have been created in violation of this policy or any applicable law.
10. Town related social media content and comments containing any of the following forms of content,

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expression, or information shall not be maintained and shall be removed:

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane, obscene, or vulgar language or content;
- c. Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status.
- d. Comments or content that are threatening, harassing, bullying, intimidating defamatory and/or illegal;
- e. Sexual content or links to sexual content;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Content that violates a legal ownership interest of any other party;
- i. Protected health information;
- j. Personnel information (except hiring and retiring announcements);
- k. Contracts for upcoming review, in discussion or negotiations; and/or
- l. Other information that is not public record or is otherwise privileged from public disclosure.

This provision of this policy is applicable to Town employees et al's personal and Town-related used of social media sites.

- 11. Town IT security and/or the Town of Chelmsford Internet Use Policy shall apply to all social media sites and articles.
- 12. All Town Webmasters shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
- 13. Town employees et al representing the Town via social media sites must conduct themselves appropriately as a representative of the Town at all times and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Chelmsford.
- 14. No Town or department social media site post or page shall endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders, except with respect to acknowledgement of participation in a public event, fundraiser, or other Town-run activity.
- 15. Town employees et al found in violation of the Policy are subject to sanctions, loss of privileges and disciplinary action, up to and including dismissal from employment/removal from an appointed position. Such violations include, but not limited to, online conduct that adversely affects the Town employee et al's job performance, the performance of fellow employees, or otherwise adversely affects the residents, suppliers, vendors, people who perform work on behalf of the Town, the Board/Committee's reputation, the Town's reputation and/or the Town's legitimate interest in serving the residents of the Town of Chelmsford.

**GUIDELINES FOR USE OF SOCIAL MEDIA SITES**

- 1. **Town of Chelmsford Internet Use Policy.** Those covered by this Policy are also responsible for

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understanding and following the attached Town of Chelmsford Internet Code of Conduct.

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, harassing, or off topic, Town employees et al and Webmaster shall not use the moderation function to restrict speech with which the Town merely disagrees (i.e., subject matter restrictions). Town employees et al and social media site users have some First Amendment rights in posting content to public social media site pages hosted by municipalities. Webmasters must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
3. **Copyright Law.** Those covered by this Policy must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote an excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original. Finally, do not re-use images without determining whether the image is subject to a creative commons, or any other, license and if so which type; the source of an image or graphic must be acknowledged in accordance with the applicable license.
4. **Conflict of Interest.** Those covered by this Policy are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.
5. **Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, Sec.10 and G.L. c. 4, Sec. 7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations, including but not limited to HIPAA). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies, plans or procedures that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.
6. **Consider Your Content.** Information on social media sites and associated with a government domain or a government identity are official government communications and therefore may be sought out by media outlets. A great deal of thought needs to go into how Town employees et al will use social media sites in a way that benefits both the Town and the Public. Town Employees covered by this Policy should not discuss rumors, political disputes, or personnel issues, for example.
7. **Handling Negative Comments.** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, Town employees et al should expect that some of the feedback we receive will be negative. Some effective ways to respond to negative comments include:
  - (a) Providing accurate information in the spirit of being helpful;
  - (b) Respectfully disagreeing, or clarifying the Town's position; and
  - (c) Acknowledging that it is possible to hold different points of view.
8. **Respect Your Audience and Your Co-workers.** Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Online postings that disparage others based on race national origin, sex, sexual orientation, age, disability or religion and/or

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threaten or harass others are expressly prohibited. Employees may express themselves in their personal manner, but must do so respectfully. 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. Do not use a department's social media presence to communicate among fellow Town Employees. Do not express differences with fellow Town Employees on Town or department social media site posts or pages.

9. **Use the Social Media Site or Identity Only to Contribute to the Department's Mission.** When you contribute to a Town or department social media site or identity, provide worthwhile information and perspective that contributes to your department's mission of serving the public. What is published will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by:
  - (a) Helping Town employees et al perform their jobs better;
  - (b) Informing citizens about government services and how to access them;
  - (c) Making the operations of a department 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. **No Expectations of Privacy.** Social media site users should presume that all social media postings, regardless of privacy settings, are public and use their best judgment when participating in social media. Users of social media are cautioned that they should have no expectation of privacy while using the Internet. Online postings can be reviewed by anyone, including the Town.
11. **Media Inquiries.** Town or department social media identities or sites may lead to increased inquiries from the media. Employees should not speak to the media on the Town's behalf without the express permission of the Town Manager. If contacted directly by a reporter, Town employees et al should refer media questions to the Town Manager.
12. **Personal Comments.** If identified or identifiable as a Town employee et al, Town Employee et al profiles and related content should be consistent with the Town's social media policy. Town employees at al should specify when speaking as a resident or stakeholder, and not on behalf of or as an employee of the Town of Chelmsford.
13. **Defamation.** Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff 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*. Avoid statements that may be interpreted as defamatory
14. **Records Retention.** Social media sites will contain communications sent to or received by Town officials and employees and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third-party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will

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not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town's or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites. Webmaster(s) shall confirm social media site retention schedules and establish procedures to ensure compliance with the Records Retention Schedule.

15. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively conveying the position of a member to a quorum of a governmental body regarding a subject within its jurisdiction and may constitute improper deliberation among the members of a board or committee in violation of the Open Meeting Law.
16. **Retaliation is Prohibited.** The Town prohibits taking adverse action against any individual for reporting a possible violation of this Policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including discharge.
17. **Liability.** The Town's insurance carrier may not provide for a legal defense if a Town employee et al is sued for conduct that is outside the individual's official duties and tasks. Speech deemed inappropriate may be subject to individual civil liability. Additionally, an individual may be held personally liable for any losses, costs or damages incurred by the Town related to violations of this Policy.

Failure to follow the Social Media Policy may result in loss of access to the Internet and further disciplinary action up to and including termination. If applicable, external agencies may be involved because certain activities may constitute a criminal offense.

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**EMPLOYEE ACKNOWLEDGEMENT OF SOCIAL MEDIA POLICY**

This acknowledges that I have received and reviewed the Town of Chelmsford's Social Media Policy ("Policy"). By signing this form, I agree to abide by the Policy and any guidelines promulgated thereunder, and I agree to review periodically any changes or modifications to the Policy. I recognize that the law and associated Policy regarding the use of social media and the Internet is continually evolving. Therefore, I understand that my regular review of the Policy is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*To be included in employee's personnel file.*

