

TOWN OF BERKLEY

SOCIAL MEDIA POLICY

I. **Introduction.** The Town of Berkley (the "Town") depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town. This policy shall apply to all employees of the Town of Berkley excluding the Police Department and employees under the direct supervision and control of the school committee.

II. **Purpose.** The purpose of this policy is to provide notice to Town employees ("Employees"), elected or appointed board, committee and commission members of the Town (collectively "Officials") that their use of personal web pages and websites, blogs, microblogs, social networking sites, chat rooms and other forms of social media, as well as their comments on electronic sites hosted by other persons, groups or organizations ("Social Media"), both on and off duty, must conform to the law and this policy. 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 Employees; (2) expose the Town to legal liability for behavior that may be false, deceptive, libelous, slanderous, offensive, malicious, misleading or causes harm to others; or (3) interfere with productivity and/or ability to perform duties and responsibilities as Employees and Officials of the Town. This policy is not intended to list all forms of acceptable and unacceptable use of Social Media by Employees and Officials.

III. **Privacy.**

A. **Town owned property:** There is no expectation of privacy for use of Town-issued email accounts, Internet, Intranet or Town-owned cell phones, smart phones, pagers, lap tops, computers, operating systems, electronic storage systems and computer equipment and software (hereinafter "Town's Information Technology"). The Town reserves the right to review, examine and/or monitor all Town Information Technology, at any time, with or without notice, including individual user folders and other information stored on the Town's Information Technology systems. Use of the Town's Information Technology constitutes acceptance of such monitoring.

B. **Internet Use:** There is no guarantee of privacy in accessing the Internet both on and off duty, including use of Social Media sites, users should assume that all connections and sites visited will be monitored and recorded by the Town. There is no expectation of privacy in publicly disseminated information, which may include information transmitted through Social Media. Public dissemination constitutes acceptance of such monitoring.

C. **Town Review:** Town review, examination and monitoring helps to ensure compliance with Town policies, assists with internal investigations and supports the management of the Town's information systems.

IV. **General Provisions.** This section describes acceptable and unacceptable uses of all Social Media by Employees and Officials of the Town both on and off duty. Employees and Officials 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.

A. While Employees and Officials may use Social Media while off-duty, their status as Employees and Officials 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, directives, rules or regulations. The Town's image as a professional organization is key to maintaining the respect of its constituents. Although the Town recognizes that Employees and Officials may choose to express themselves by posting personal information and/or commenting on Social Media, this right of expression is not free from limitation. That is, while the Town acknowledges its Employees and Officials have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern contributing to public discourse. Therefore, Employees and Officials must exercise caution with respect to comments they post in general and, in particular, those comments concerning the Town, a department of the Town, and/or the Town's Employees.

B. Except as otherwise required by the Department Head or as part of an Employee's job duties, the use of Social Media while on duty is prohibited.

C. 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. Such actions shall not be deemed a violation of this Policy provided the police officer or firefighter acts within the scope of the Chief's direction or authority.

D. Employees' and Officials' use of Social Media is subject to the Town's Sexual Harassment Policy as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws.

E. All use of Social Media must conform to the following regulations:

1. All Employees and Officials are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.

2. Employees and Officials must not reveal any confidential or privileged information about the Town, its constituents, or its contractors. Employees and Officials must be careful to protect against the inadvertent disclosure of confidential information.

3. Employees and Officials must not engage in harassment in contravention of the Town's Sexual Harassment 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 Employees are not posted in the comment.

4. Employees and Officials must make reasonable efforts that they are always honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Employees and Officials may not post any information or rumors they know to be false about the Town, fellow Employees, constituents, suppliers, vendors, contractors or any other entities or individuals.
5. Employees and Officials may express only their personal opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the Town. Members of the Police and Fire Departments must abide by the chain of command. A spokesperson for the Police or Fire Department can only be authorized and designated by his or her Chief.
6. If the Town is a subject of the content created by and Employee or Official, the Employee or Official should be clear and open about the fact that he/she is an Employee or Official of the Town and should make it clear that his/her views do not represent those of the Town, fellow Employees, suppliers, vendors, or any other agent of the Town. Employees or Officials 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.
7. Employees and Officials 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.).
8. Officials and Employees should be aware that residents, property owners and others appearing before boards, commissions and committees or doing business in Town departments include persons of various races, religions, national origins, sexual orientations, genders, gender identities, or other legally protected classifications. Public comments in any forum, including on Social Media, that contain slurs or express bigotry toward any one of the aforementioned classifications shall be considered conduct unbecoming and shall be subject to discipline, up to and including termination or removal.
9. Access to and use of Social Media must not interfere with an Employee's and Official's ability to perform the duties and responsibilities assigned. In so far as an Employee is permitted to use Social Media in the course of his/her employment as set forth in Section IV, subsections (B)-(C) above, access to and use of Social Media must not interfere with an Employee's productivity.
10. Officials are prohibited from posting content in violation of the Open Meeting Law, including prohibitions against serial communications.
11. Employees and Officials 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 and Officials.

12. 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.

F. This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E.

V. **Complaints or Problems of Misuse.**

A. Should any Employee or Official of the Town receive or become aware of a violation of this policy, the Employee or Official is encouraged report the violation to the Town Administrator and/or the Board of Selectmen as soon as possible.

B. The Town encourages any Employees or Officials who use Social Media in contravention 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.

VI. **Discipline.**

A. Any Employee or Official who violates this Policy shall be subject to appropriate discipline, up to and including termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policy.

B. The Town prohibits acting against any Employee or Official for reporting a violation of this Policy or for cooperating in an investigation. Any Employee or Official who retaliates against another Employee or Official for reporting a violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination or removal.

VII. **Amendments.** 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.

VIII. **Waiver.** A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy.

IX. **Governing Law.** This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.