



Office of the
BOARD OF SELECTMEN
272 Main Street Townsend, Massachusetts 01469

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POLICY #02-2019

BOARD OF SELECTMEN

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"), and contractors, volunteers, and interns ("Affiliates") (collectively "Users") 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; (3) interfere with productivity and/or ability to perform duties and responsibilities as Employees and Officials of the Town or any other behavior prohibited by the Code of Conduct.. This policy is not intended to list all forms of acceptable and unacceptable use of Social Media by Employees and Officials.

Policy: Social Media

I. INTRODUCTION:

The Town of Townsend (the "Town") depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

II. PRIVACY:

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 Resources"). The Town reserves the right to review, examine and/or monitor all Town Resources, at any time, with or without notice, including individual user folders and other information stored on the Town's Resources systems. Use of the Town's Resources constitutes acceptance of such monitoring.

Internet Use: There is no guarantee of privacy in accessing the Internet both on and off duty while using town resources (town direct internet connection and town Wi-Fi are to be considered a town resource while town guest Wi-Fi shall not be considered a town resource), including use of Social Media sites, users should assume that all connections and sites visited will be monitored and recorded by the Town. Use of personally owned or non-town resource devices shall be limited to use of the guest Wi-Fi. There is no expectation of privacy in publicly disseminated information, which may include information transmitted through Social Media while using a town resource. Public dissemination constitutes acceptance of such monitoring.

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.

III. GENERAL PROVISIONS:

This section describes acceptable and unacceptable uses of all Social Media by Users of the Town resources both on and off duty. Users 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.

While Users may use Social Media while off-duty, their status as Users of the Town resources 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 Users 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 Users 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, Users 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.

The Town specifically acknowledges that police officers and firefighter-EMTs 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.

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

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

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

Users must not violate the due process rights of or reveal any confidential or privileged information about the Town, its employees, its constituents, or its contractors. Users must be careful to protect against the inadvertent disclosure of confidential information.

Users 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.

Users 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. Users 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.

Users must remain courteous and respectful towards fellow employees, Town officials and the public when posting information. This does not preclude disagreement, but rather requires civil discourse.

Users 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.

If the Town is a subject of the content created by Users, the User should be clear and open about the fact that he/she is an Employee, Official, or Affiliate 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. Users who publish blogs or other online posts related to their work or subjects associated with the Town must make clear that they are not speaking on behalf of the Town.

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.).

Users 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 a violation.

Officials are prohibited from posting content in violation of the Open Meeting Law, including prohibitions against serial communications.

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 Employees and Officials.

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 negative reviews or other comments about any current or former Employees.

IV. USE OF SOCIAL MEDIA AT WORK:

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 should not interfere with Employees' ability to perform the duties and responsibilities assigned. The Town's computer systems are to be used for business purposes only. Personal use of social media networks or personal blogging of online content from Employees' personal devices is discouraged. To the extent that said personal use of Social Media interferes with Employees' ability to perform duties and responsibilities assigned, disciplinary action, up to and including termination, may result.

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 this Policy, access to and use of Social Media must not interfere with an Employee's productivity.

V. COMPLAINTS OR PROBLEMS OF MISUSE:

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

The Town encourages any Users 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:

Any User 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, personal services contract and/or personnel policy, recall from his/her elected position in accordance with any recall provisions established for the town of Townsend, termination of contract or agreement for volunteer or intern services.

The Town prohibits acting against any User for reporting a violation of this Policy or for cooperating in an investigation. Any User who retaliates against another User for reporting a violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, termination of employment or removal from his/her position in accordance with the terms of the applicable collective bargaining agreement and/or personnel policy, recall from his/her elected position, termination of contract or agreement for volunteer or intern services.

VII: MISCELLANEOUS.

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.

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

Governing Law: This Policy shall be read and interpreted in conjunction with all other Laws, Charter provisions and Town policies and procedures.


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


APPROVED BY THE TOWNSEND BOARD OF SELECTMEN

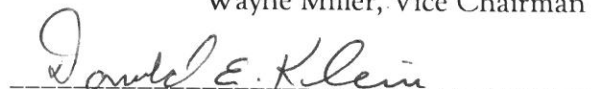
FIRST READING: June 20, 2019

FINAL APPROVAL/ADOPTION: July 2, 2019

7/8/19
date


Sue Lisio, Chairman


Wayne Miller, Vice Chairman


Donald Klein, Clerk

Acknowledgement of Receipt of Policy

I acknowledge receipt of this Social Media Policy. Having read said policy, I understand and agree to its terms.

Name (Print)

Signature

Date