

TOWN OF TEMPLETON SELECT BOARD

**160 Patriots Road ~ P.O. Box 620
EAST TEMPLETON, MASSACHUSETTS 01438
TEL: (978) 894-2755**

TOWN OF TEMPLETON SOCIAL MEDIA POLICY

Section 1: Title and Authority:

This policy shall be known as the “Town of Templeton Social Media Policy.” It will be adopted by the Town of Templeton Select Board.

This social media policy will be administered by the Town Administrator or their designee and will be available for review on the town’s website. The Town Administrator reserves the right to amend any of the provisions of this policy for any reason and at any time, with notice to the Select Board at the next scheduled business meeting.

Questions about this policy should be directed to the Town Administrator.

Section 2: Purpose:

This document outlines the policies and procedures for town employees, officials, volunteers and public use of social media sites, platforms, and accounts. The purpose of this policy is to provide standards and procedures for the appropriate use of social media when conducting town business. While this policy generally applies to the most popular social media platforms, such as Facebook, YouTube, and Twitter, it is acknowledged that social media is an evolving communications tool, and that new resources and products may become available over time. The town may utilize social media to communicate information related to the business of the town directly to the public. The town encourages the use of social media to further the goals of the town, the missions of its departments and public bodies, and to contribute to the overall vibrancy of the community. The town has an overriding interest and expectation in deciding what is published on behalf of the town through social media and in establishing guidelines for the use of town social media by town officials to ensure that what is “spoken” on behalf of the town through social media reflects and conforms with the town’s standards for such content.

This policy shall not be interpreted or applied to prohibit or restrict any communication or expression that is protected or privileged under the law such as the state or federal constitutions, including the right to free speech.

Section 3: Definitions:

Comment means a statement or response submitted by a town official or member of the public to the town for posting on the town’s social media website. Comment is also synonymous with the social media term, “post,” “tweet,” or “retweet.”

Designated Agent means an individual designated by the Town Administrator to receive and respond to notifications of claimed copyright infringement. Once named, the town must file a “designation of agent” form with the United States Copyright Office.

Ephemeral content refers to social media content that disappears after a specific period, or by will of the original author.

Social Media is an expansive term that means the various forms of information-sharing technology to create web content and dialogue around a specific issue or area of interest and digital content posted to the internet in whatever form. Examples of social media applications include but are not limited to Facebook, MySpace, Google and Yahoo Groups, Wikipedia, YouTube, Flickr, Twitter, LinkedIn, and news media comment-sharing.

Town Electronic Equipment means all town electronic equipment including but not limited to computers, cell phones, smart phones, tablets and iPads, pagers and any other town equipment that may be utilized to send or receive electronic communications.

Town Official means employees of the town, public officers (whether elected or appointed) and town volunteers.

Town Social Media means social media that is created, posted, or maintained by the town for official town business, or stored on or in town-owned or town-controlled technological devices or accounts, and which can be distinguished from social media created, used, or maintained for personal use.

Town Social Networking Moderator means an individual designated by the Town Information Technology (IT) Officer to monitor, manage, and oversee social media content.

Visitor means a member of the public who accesses town social media sites.

Section 4: Conduct of Town Officials:

Those designated and authorized to utilize town social media do so with the understanding that they are representing the town and must always conduct themselves as representatives of the town. A town official’s use of town social media shall comply with this policy, the town’s personnel policy, and any other relevant town policies, bylaws, rules, and regulations, as well as any applicable provisions of state and federal law. This includes any use of town social media from outside of the workplace.

When a town official responds to a comment in his/her capacity as a town official, the official’s name and title should be made available.

Information posted to town social media is public information, and there should be no expectation of privacy regarding the posted information. Town officials are expressly prohibited from disclosing any information via social media posts that may be confidential or exempt from disclosure under the Public Records Law.

Town officials are discouraged from using personal accounts to post information to town social media, or posting information regarding official town business on other social media. All social media comments and posts by town officials are subject to the Public Records Law, Open Meeting Law, the Conflict of Interest Law, and all other applicable laws, rules, policies, bylaws, and regulations. **Town officials should be aware that posts from personal social media accounts will be considered a public record if the post discusses aspects of town government and town business.**

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the town's personnel policy, employment contract, or collective bargaining agreement as appropriate. Appointees and volunteers found in violation of this policy may be subject to removal from their respective public posts. Elected officials found in violation of this policy may be subject to private or public admonishment.

Section 5: Comments:

For purposes of this policy, town social media falls into two distinct categories: Town Government Speech Sites and Limited Public Social Media Forums.

The Town Government Speech Sites do not allow for any public comments whatsoever. They are reserved for town government to engage in its own expressive conduct to promote its own message. Examples of this type of site include the town's official website and social media sites where public comment has not been enabled. Users and visitors to town social media sites shall be notified that the intended purpose of these sites is to serve as a mechanism for communication from authorized town officials to members of the public.

Limited Public Social Media Forums are town social media where public comment has been enabled to allow for discussion on specific topics as signified by postings by authorized town officials or consistent with the purposes of this policy.

Comments by town officials shall be allowed on town social media sites only when consistent with the provisions of this policy. Further, submission of comments by members of the public constitute participation in the limited public forum—this means that the public may post content solely and only about the subject matter of the town's social media content and no other matter.

All social media authors and public commenters shall be clearly identified. Anonymous posting shall not be allowed.

Town officials using and commenting with their own personal accounts on Town social media accounts are required to state the conditions by which they are commenting, e.g. "I

am commenting as a private citizen” or “I am commenting in my role as [town position].” If the town official does not provide this clarification, it could be inaccurately assumed by the reader that they are speaking on behalf of the town. A comment posted on any town social media is the opinion of the commentor only, and publication of a comment does not imply endorsement of, or agreement by, the town, nor do such comments necessarily reflect the opinions or policies of the town.

Comments containing any of the following forms of content shall not be permitted on any type of town social media by a town official, or on a Limited Public Social Media Forum by a member of the public, and are subject to removal, in whole or in part, by authorized or appointed town officials:

- Comments in support of or opposition to political campaigns or candidates;
- Profane, obscene, sexual, or vulgar language or content or links to such language or content;
- Content that promotes, fosters, or perpetuates discrimination based on any category protected by state or federal law, including race, creed, color, age, religion, gender, genetic information, national origin, physical or mental disability, gender identity, or sexual orientation;
- Solicitations of commerce, including but not limited to advertising of any business or product for sale, unrelated to town business;
- Unlawful conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Defamatory, derogatory, or personal attacks;
- Protected health information;
- Threats to or harassment of any person or organization;
- Conduct that violates any federal, state, or local law; or
- Content that violates a legal ownership interest of any other party (including copyright protections).

The above list is not exhaustive, and the town reserves the right to remove or restrict any post or comment that violates the purpose or spirit of this policy. Further, the town reminds all town officials and members of the public that the internet “never forgets.” Please be civil and respectful in the content that you choose to post.

If comments are related to the topic at hand, and do not otherwise violate the above-listed proscriptions, then the content will be allowed to remain, regardless of whether it is favorable or unfavorable to the town. Complaints regarding town officials should not be addressed in a social media environment, but rather sent to the Town Administrator.

Ephemeral content that is collected or obtained using electronic capturing (photo or ‘screenshot’) may be used as evidence of the existence of the comment at the discretion of authorized administering town officials.

These conduct guidelines governing comment on town social media sites shall be displayed on all limited town social media forums or made available by hyperlink from the town's official website. The town reserves all rights to choose whether, when, where, and how to allow for public participation in social media. It may discontinue or close previously allowed public participation to its social media at any time. The town further reserves the right to deny any individual who violates the town social media policy or applicable law access to posting to town social media, at any time and without prior notice.

Section 6: Account Management:

An authorization process shall be established for town officials wishing to create an account for the benefit of the town, with the Town Administrator or their designee as the authority to oversee and confirm decisions. In this role, the Town Administrator or their designee will evaluate all requests for usage, verify staff authorized to use town social media tools, and confirm completion of online training for social media if deemed necessary. The Town Administrator or their designee will also be responsible for maintaining a list of all social networking application domain names in use, the names of all administrators of these accounts, as well as the associated user identifications and active passwords.

All town social media shall be established by a duly designated Town Information Technology (IT) Officer with the approval and under the direction of the Town Administrator or their designee and shall be published using approved town social networking platforms and tools and administered by the IT Officer. All existing town social media sites and accounts will be reviewed to ensure that someone has control of the account identification and passwords.

Section 7: Content Management and Monitoring:

The IT Officer shall designate Town Social Networking Moderator(s) to monitor, manage, and oversee all content on each social media site to ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the town.

The Town Social Networking Moderator(s) may monitor the content posted by town officials on town social media to ensure it complies with this policy. Inconsistencies will be reported to the IT Officer and/or the Town Administrator. The Town Social Networking Moderator(s) are authorized to remove or restrict information from town social media within the scope of Section 5 of this policy. Such removal or restriction may be reviewed by the Town Administrator on an as-needed basis. Appeals of these decisions and actions involving the Town Administrator would be reviewed by the Select Board.

Designated department heads and/or other authorized town officials will be responsible for the content and upkeep of any town social media sites they may create. It is the responsibility of these authorized town officials to ensure that information communicated by means of social media is accurate and up to date to the extent reasonable. The town

does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks or websites or content linked thereto.

Wherever possible, content posted to the town's social media sites will also be available on the town's official website. Town social media should complement rather than replace the town's existing web resources. Content posted on the town's social media should contain links directing users to the town's official website for additional information, forms, documents, or online services necessary to conduct business with the town.

All town social media sites shall clearly indicate that they are maintained by the town and shall prominently display necessary town contact information. All town social media sites shall include the prominent placement of the official town seal, if available, along with the following notification:

“This is the official (Facebook, Twitter, YouTube, etc.) page for the Town of Templeton, Massachusetts. If you are looking for more information about the Town of Templeton, Massachusetts please visit www.templetonma.gov . The purpose of the Town page is to provide general information only. Should you require a response from the town or wish to request Town Services, you must go to <http://www.templetonma.gov> if appropriate or contact the town at 978-894- 2755 or via email to the Town Administrator or Assistant to the Town Administrator through the website.”

Any town official or Town Social Networking Moderator(s) who manage town social media must be provided with a copy of this policy and sign the Acknowledgement of Official Use by Authorized Town Officials (see Addendum A) prior to utilizing town social media.

Section 8: Public User Agreement:

A copy of this policy shall be accessible from the town's official website. The public shall be informed that agreement to the terms of this policy is a prerequisite to participating in the town's limited public social media forums.

Section 9: Copyright Infringement Notification:

The town complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law (U.S. Copyright Act, Title 17 of the US Code, and, more recently, the Digital Millennium Copyright Act, 105 PL 304) makes it illegal to download, upload, or distribute in any fashion copyrighted material in any form without permission or a license to do so from the copyright holder.

The following notification shall be made accessible on all town social media sites (where possible) and on the town's official website:

“If you believe that any material on the town’s official website or town social media site infringes on any copyright which you own or control, or that any link on the town’s social media sites directs users to another website that contains material that infringes on any copyright that you own or control, you may file a notification of such infringement with the town’s Designated Agent as set forth below. Notifications of claimed copyright infringement must be sent to the Town of Templeton, Massachusetts’ Designated Agent, for notice of claims of copyright infringement.”

The Town of Templeton, Designated Agent: Holly Young (email at: <https://www.templetonma.gov/users/hyoung/contact>)

Section 10: Public Records Law & Retention:

The Town’s official website and town social media sites (and their related social media content) are subject to the Public Records Law. A public record consists of any records or documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of the town. Public records, regardless of format, are available for inspection and copying unless there is a specific statutory exemption from public disclosure.

The town’s official website and town social media sites shall clearly indicate that any articles and any other content or comments posted or submitted for posting in whatever format are subject to public disclosure. Content related to town business shall be maintained in an accessible format so that it can be produced in response to a public records request. Users shall be notified that public disclosure requests must be directed to the proper custodian of public records. The name, title, and contact information for the proper custodian of public records shall be posted on each town social media site.

Relevant town records retention schedules apply to content on the town’s official website as well as to town social media sites. Content posted or submitted for posting shall be retained pursuant to the Public Records Law in its standard format and in accordance with applicable municipal records retention schedules established by the Secretary of the Commonwealth.

Section 11: Open Meeting Law:

The Open Meeting Law requires that all meetings of a public body are to be open to the public unless otherwise exempted. Members (elected or appointed) of any town public body should refrain from using town social media to discuss the business of the public body or take action by the public body in violation of the Open Meeting Law. A series of individual postings on social media may cumulatively convey the position of a quorum of a public body, and thus, may violate the Open Meeting Law. Furthermore, members of public bodies should refrain from commenting on or responding to inquiries related to matters within the subject matter jurisdiction of their respective public bodies.

Public boards and committees may utilize town social media for gathering of public input and fostering of public discussion related to the role with which it has been charged by statute or the Town Administrator, provided that the use is authorized in accordance with and conforms to this policy.

Information posted by the town on its social media sites will supplement and not replace required notices and standard methods of providing agendas, postings, and notifications required to be made regarding public meetings and hearings under Massachusetts law, unless otherwise permitted by law.

Section 12: Third-Party Rights and Responsibilities:

All comments posted to any town social media are bound by that specific platform's applicable statement of rights and responsibilities, rules governing use, or terms of service. The town reserves the right to report any violation of such rules to the platform provider with the intent of the provider taking responsive action.

Section 13: Templeton Community Television:

Templeton Community Television (TCTV) and its related social media shall be excluded from this policy. Any complaints regarding TCTV's social media shall be directed to the Cable TV Advisory Committee.

ADOPTED this 27th day of April, 2022.

SIGNATURES of TOWN OF TEMPLETON,
MASSACHUSETTS SELECT BOARD



Michael Currie, Chair



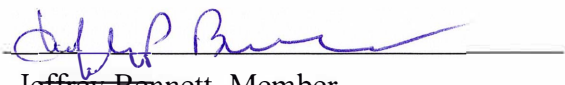
Timothy Toth, Vice Chair



Terry Griffis, Clerk



Julie Richard, Member



Jeffrey Bennett, Member

April 27, 2022
Date

Addendum A
Acknowledgement of Official Use by Authorized Town
Officials

- A. I, _____, acknowledge that I received a copy of the Town of Templeton's Social Media Policy on _____.
- B. I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions.
- C. I understand the language used in this policy.
- D. I agree to abide by the policy and agree to periodically review any changes and modifications as the law and associated policies regarding the use of social media are continually evolving.

Town Official Signature

Date