

**TOWN OF SOUTHWICK
SOCIAL MEDIA POLICY AND TELECOMMUNICATIONS POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS**

I. SOCIAL MEDIA POLICY:

A. Introduction: The Town of Town of Southwick (the “Town”) depends upon an environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

B. Purpose: The purpose of this policy is to provide notice to appointed and elected board and committee members that their use of social media 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 liability for behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as employees of the Town.

II. Definitions:

1. The Town: Town of Southwick.
2. Official: An individual who holds office in the Town, whether elected or appointed.
3. Social Media: Online forums in which individuals participate in the exchange of ideas, messages, and content, including but not limited to, blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).
4. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

III. General Provisions:

A. Officials 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 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 bylaws, policies, directives, rules, or regulations. The Town’s image as a professional organization comprised of professionals is critical to maintaining the respect of its constituents. Although the Town recognizes that Officials 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 should not interfere with the operation of the Town. That is, although the Town acknowledges its Officials have the First Amendment right to free speech, the right is not absolute and extends only to matters of public concern. Therefore, Officials should

exercise caution with respect to comments they post, particularly those concerning the Town and the business of the Town.

B. This section describes acceptable and unacceptable uses of all social media by Town Officials. 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.

1. Use of social media is also subject to the Town's Telecommunications Systems Policy, Sexual Harassment Policy, and Harassment of Individuals in Protected Classes Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws. Comments on social media outlets may be deemed to violate this Policy even if the Town's name or the name(s) of any individual is not specifically referenced if it is clear that the comment is a violation of any of the other Town policies.

2. If Officials access and/or use external social media platforms outside of their capacity as a Town official, they shall not create or utilize an identity, signature, logo, or other imagery that appears as though they are representing the Town.

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

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

5. Officials must not harass others in contravention of the Town's Telecommunications Systems 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 name(s) of any individual is not specifically referenced.

6. Officials should be honest and accurate when posting information or news, and if they have made a mistake, it must be corrected quickly. Officials should not post any rumors they believe could be false or information they know to be false about the Town, its employees, constituents, officials, suppliers, vendors, contractors, or any other entities or individuals.

7. Officials may express only their personal opinions and should never represent themselves as a spokesperson for the Town, their board or committee unless designated to do so. If the Town is a subject of the content created by an Official, the Official should be clear and open about the fact that they are an Official of the Town and should make it clear that their personal views do not represent those of the Town, or its employees, officials, suppliers, vendors or any other agent of the Town unless designated to do so. Officials who publish blogs or other online posts related to their role with the Town should make clear that they are not speaking on behalf of the Town (unless designated to do so). Further, an Official's decision to express their personal opinions does not alleviate their responsibility as an Official 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.

8. Officials must also recognize that posting content regarding Town-related matters may result in the violation of the Open Meeting Law. Officials should consult the Open Meeting Law Guide provided to them by the Town Clerk's Office for more information. Town Counsel may also be consulted subject to the prior approval of the Town's Chief Administrative Officer.

9. The Open Meeting Law requires that all meetings of a public body are to be open to the public at all times unless otherwise exempted. Elected or appointed Officials of any Town public body should refrain from using Town or private social media sites to discuss the business of the public body or from taking action by the public body in violation of the Open Meeting Law. Members of public bodies should refrain from commenting on or responding to inquiries related to quasi-judicial matters within the subject matter jurisdiction of their respective public bodies.

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

11. The Public Records Law and e-discovery laws apply to electronic mail and social media content. Any content created with a Town email address or maintained in a Town social media site, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record. Accordingly, such content must be lawful and in accordance with this policy, and be able to be managed, stored and retrieved to comply with these laws.

12. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.

13. 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.).

14. Officials are generally not authorized to provide employee references and are 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 employees.

15. Officials must be mindful that residents, property owners and others appearing before Town boards or committees come from all walks of life. Public comments, in any forum, that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification shall be considered conduct unbecoming a Town Official and shall constitute good cause for removal for any appointed official.

16. The Town encourages anyone who uses 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.

17. Beyond the above general provisions, appointed and elected board/committee members 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, e.g. based upon age, gender, national origin, or sexual orientation reflects poorly on the individual making an 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.

IV. Complaints or Problems of Misuse:

Should anyone receive or become aware of a violation of this policy, they can report the violation to the Chief Administrative Officer who can be reached at the Town Offices located at 454 College Highway, Southwick, MA 01077, (413) 569-5995.

The Town prohibits taking action against anyone for reporting a possible violation of this policy or for cooperating in an investigation.

V. Questions:

Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Town Chief Administrative Officer.

VI. Discipline:

Violation of this policy may constitute good cause for disciplinary action leading up to and including removal of appointed Officials under the Town bylaws. Elected officials may be subject to a request for their resignation, public censure or reprimand, or a recall petition in accordance with the Town bylaws. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

TELECOMMUNICATIONS SYSTEM POLICY

To ensure proper use of the Town of Southwick's telecommunications systems including the telephones, computers, electronic mail (email), facsimile machines and the internet, the Town has established a policy. This policy is designed to prevent misuse of these systems and to protect the Town from illegal use of these systems by its employees, officials, and others.

This policy applies to all full-time, part-time, and intermittent Town employees, as well as grant-funded position employees. This policy also applies to contractors, consultants, temporary employees, and interns. In addition, this policy applies to volunteers and non-employees, including but not limited to appointed and elected Officials of Town Boards, Commissions, and Committees of the Town of Southwick, and including those users affiliated with third parties who access the Town of Southwick computer networks

Note: Throughout this policy, the words "user" and "employee" will be used to collectively refer to all such individuals indicated above. This policy also applies to all computer and data communication systems (telecommunication systems) used at, owned by, and/or administered by the Town of Southwick.

All Town users are required to read and comply with this policy. Failure to comply with the provisions of this policy may result in disciplinary action ranging from limiting an employee's privileges to use any telecommunication systems and further disciplinary action up to and including termination. Regarding non-employees, failure to comply with the provisions of this policy may result in the denial of access to the computer networks, legal action, and/or notification to the proper authorities.

This policy will be reviewed annually and may be updated or amended at any time at the discretion of the Select Board.

The following activities are strictly prohibited:

- Any illegal activity, including, but not limited to, the transmission of copyrighted, trademarked, patented, trade secret material or the participation in any type of criminal activity.
- Any inappropriate activity, including but not limited to the transmission or inquiry of obscene, defamatory, discriminatory, or threatening material.
- Any attempts to tamper with or violate the computer security systems implemented by the Town of Southwick or the use of the Town's telecommunication system to tamper with other institutions, organizations, companies, or individuals.
- Disseminating confidential or other non-public information to unauthorized parties.
- Instant messaging software, movies, music sharing software or other peer to peer data sharing software are prohibited. This includes AOL, Facebook, Twitter, or any other website instant messaging.

The following types of email activities are expressly prohibited:

- Transmission of global or mass mailings unless related to Town business or unless prior authorization has been received from the Chief Administrative Officer or their designee.
- Transmission of chain letters or virus alerts.
- Transmission of any email containing abusive, harassing, discriminatory, or sexually explicit language or content.
- Transmission of deceptively labeled emails, to include any email that carries a misleading subject line, is anonymous, is attributed to another person, or which identifies its true sender incorrectly.
- Inclusion of C.O.R.I. information within any email, except where the recipient's email address has been previously confirmed to be a legitimate and secure reception point.
- Any other transmissions or inclusions that violate federal, state, or local law.

Employees of the Town and Town Officials have a right to have personal web pages or social networking sites. Use of the Town of Southwick's computers or equipment for the purposes of social networking is prohibited, along with accessing social networking sites from any other peripheral device while on duty or working. Employees and Town Officials are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recording, likenesses or images or departmental logos, emblems, uniforms, badges, patches, marked or unmarked vehicles, equipment or other material that specifically identifies the Town of Southwick on any personal or social networking website or web page.

Telecommunications systems are the property of the Town of Southwick and should be used for business purposes.

Subject to department head approval, limited appropriate personal use is allowed, but business use is primary. All files including documents, spread sheets and email correspondence shall be available to the department head at all times. No files shall be password protected unless authorized by the system administrator for a valid reason.

Subject to certain exceptions in the law, email messages are considered public records and are therefore legally discoverable and subject to record retention policies. Employees and Town Officials should not expect that email messages (even those marked "personal") are private or confidential.

Upon the request of the department head and/or the Chief Administrative Officer and subject to the approval of the Select Board, monitoring of telecommunications systems usage may be necessary. Reasons for monitoring include, but are not limited to, review of productivity, investigations into claims of possible criminal activity and investigations into violation of the policy.

Use by employees of the Town's telecommunications systems constitutes consent to monitoring of systems use and is conditioned upon strict adherence to this policy.

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. In particular, executable programs imported from other sites to Town computers must not be used unless they have been authorized by the System Administrator (Town Accountant) and they have been subjected to virus detection procedures approved by System Administrator. The System Administrator may, from time to time, impose restrictions or regulations that shall be considered part of the policy. Users are expected to be energy conscious. Computers shall be powered off anytime they will not be used for two or more consecutive hours. Copiers and printers shall be powered off anytime they will not be used for twenty-four or more consecutive hours. Certain necessary exceptions are permitted with department head approval.

Department heads and supervisors are responsible for ensuring that all their employees using the Town's telecommunication systems have read this policy and understand its applicability to activities.

All network broadcasts must pertain to Town of Southwick business and be pre-approved by the Select Board or the Chief Administrative Officer.

Data files (word processing, email, and spreadsheets) will be backed up daily and weekly if they are stored in the user's mapped drive and on the Town server. Backup of data not stored on the server is the responsibility of each user. The Town cannot be held responsible for lost data due to system failure caused by power outages or other problems with the system that may cause an unexpected shutdown. If data is important to a user, they must back it up.

If an employee or Town official indicates in any public forum any opinion on a Town issue, then that employee/official shall state that the views and opinions expressed are personal ones, and not those of the Town of Southwick.

If an employee or Town official accidentally accesses an unacceptable site, the employee/official must immediately disclose the incident to their immediate supervisor or to the Chief Administrative Officer. Such disclosure may serve as a defense against an accusation of an intentional violation of this policy.

A sign-off sheet shall be attached to this policy and signed off by each user who utilizes any telecommunications system of the Town.

Notwithstanding the sections above, the Select Board may authorize the creation of social media accounts (e.g., Facebook, Twitter, etc.) under limited circumstances for the sole purpose of furthering the purposes of the Town. Any request for such authorization must be made in advance in writing to the Select Board. In the event the Select Board allows an account to be created, the account shall solely be used to disseminate information regarding the Town and such use may not violate any other provisions of this policy. The account must be registered with the Town. The account may not be used for personal use at any time. The Select Board may terminate the account at any time.

Town of Southwick

Acknowledgement and Receipt of Social Media Policy
and Telecommunications Policy for Appointed and Elected Board/Committee Members

I acknowledge receipt of the Social Media Policy and Telecommunications Policy for Appointed and Elected Board/Committee Members. I have read and comprehend the policies and understand that I must adhere to proper usage of social media and telecommunications systems as an appointed or elected Board or Committee Member in the Town of Southwick.

Name

Signature

Date