

CITY OF BORDENTOWN

RESOLUTION 2021- 127

RESOLUTION ESTABLISHING SOCIAL MEDIA POLICY

WHEREAS, the City of Bordentown desires to adopt a Social Media Policy to establish enforceable rules and guidelines that must be adhered to by those people provided access to the Bordentown City social media platforms such as Facebook, YouTube and Twitter, and any other media that disseminates information to the public; and

WHEREAS, the Board of Commissioners of the City of Bordentown believe the Social Media Policy is necessary to expand and facilitate the dissemination of information from the City to its residents and the general public, while at the same time assuring that communications made on behalf of the City are properly authorized and in correct form; and

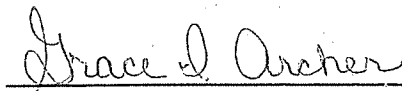
WHEREAS, the Board of Commissioners of the City of Bordentown recognize First Amendment Rights available to both elected and appointed officials and employees and volunteers, and wishes to strike a balance between an individual's First Amendment rights to freedom of speech, and the governmental and business interests of the City; and

WHEREAS, the City of Bordentown intends to establish a Facebook page as a means of communicating information from the City to its residents, which will not permit commenting when established, but the Board of Commissioners may revisit this policy in the future; and

WHEREAS, given today's use of social media sites for government purposes, it is in the best interest of the City that the Social Media Policy, attached hereto and made a part hereof be adopted.

NOW, THEREFORE, IT BE RESOLVED by the Board of Commissioners of the City of Bordentown that the Social Media Policy shall take effect immediately.

I hereby certify that the foregoing Resolution was duly adopted by the Board of Commissioners of the City of Bordentown at a regular meeting conducted on the 8th day of November 2021.



Grace I. Archer, RMC
City Clerk

BORDENTOWN CITY

Social Media Policy

Purpose: Bordentown City (the “City”) recognizes that its officials, volunteers and employees may use social media, on their own time, and utilizing their own devices, for a variety of reasons, including socialization, business networking, and for public, political and/or civic engagement. However, the City also realizes that the improper use of social media can be detrimental to the City and the public it serves. For example, social media can be used to unlawfully harass, bully, or intimidate employees or residents. Further, in some instances, where the use of social media is subject to the Open Public Records Act and/or violates the Open Public Meetings Act, violations can prove costly to the City. The City is mindful of how comments attributable to volunteers, employees or officials can be used in legal proceedings against the City. In New Jersey, e-mails, messages, and posts from private social media accounts have been found to be discoverable evidence and been used against public agencies in litigation. Incidents like these can be costly to the City and with care, they are easily avoidable.

While employees, volunteers and elected officials are free to curate personal social media pages as one sees fit, including blocking users from interacting with you and deleting less-than-flattering comments, the same rules do not apply for government pages or the pages of government officials. The City or its officials, create liability for the City when they block users or delete comments from their government-based social media pages.

A personal social media page broadcasting public messages could be classified as an official page or government-based social media page creating record retention and other issues demanded of public agencies. Recent court decisions have required that a public official identify individuals that the official blocked from the official’s personal page because that individual used the personal page as a social platform for public business.

Scope: This Policy applies to all forms of social media/social networking, existing now or developed in the future, including, but not limited to: social networking sites (e.g., Facebook, Myspace, Instagram, LinkedIn); microblogs (e.g., Twitter, Tumblr); message and bulletin boards; chat rooms; electronic newsletters; blogs and other online journals, forums or diaries; wikis; video or photo sharing sites (e.g., YouTube, Flickr, Photobucket) and other sites and services that permit users to share information with others in a contemporaneous manner. This policy shall apply to all employees, volunteers and elected officials serving the City as well as any affiliated government or non-government agency or official permitted by the City to post on City social media platforms. This policy also covers actions by employees, volunteers, and elected officials that use a personal social media platform as a means of conveying City-related information to residents, volunteers and visitors.

Definitions

- Social Media:** A category of cloud or internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn, etc.), micro-blogging sites (Twitter, Nixle, etc.), photo and video-sharing sites, (Instagram, Snapchat, Youtube, etc.), blogs, and similar sites or applications.
- Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- Blog:** A self-published online diary or commentary that may allow visitors to post responses, reactions, or comments.
- Post:** The content an individual shares on a social media site or the act of publishing content on the site.

Guidelines Applicable to Employees, Volunteers and Officials

1. Except in the performance of an authorized duty, employees are prohibited from posting, transmitting, and/or disseminating any pictures, videos, audio recordings, or content on any personal website, social media website, or networking website while on duty.
2. Except in the performance of an authorized duty, City officials, both elected and appointed, employees and volunteers, are prohibited from utilizing social media on City-owned equipment unless authorized by the City and consistent with the City's Social Media Policy. The City prohibits the use of City email addresses to register on social media websites, blogs, or other online tools for personal use.
3. City officials, employees, and volunteers are prohibited from revealing or publicizing confidential information, or any information not deemed public under the Open Public Records Act. Information is confidential if its revelation would violate any federal, state, or local law or would expose the City to legal liability, impact the ability to fairly negotiate or reveal information not yet available to the public. Examples of confidential information include: human resources information regarding City volunteers, employees, or officials, including the progress or results of investigations, information related to legal proceedings which are ongoing or sealed by the relevant judge, or sensitive information relating to public safety.
4. Volunteers and employees who identify themselves as, or are widely known to be, City volunteers, employees or officials shall add a disclaimer to the front page of a private website, or on any post, relating to City business. The disclaimer should state the content of the website or post does not express the views of the City, and the volunteer, employee or official is expressing only her/his personal opinion. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of Bordentown City." If in anyway unclear, a volunteer, employee or official should place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the City or the City's business. Unless authorized

by the City or explicitly stated as part of one's job duties, a volunteer or employee should neither claim, nor imply, that (s)he is speaking on the City's behalf.

5. Volunteers, employees, and officials are responsible for carefully reading the City's personnel policies to ensure any social media use is in compliance with same. Volunteers, employees, and officials are responsible for their social media activities. In the event any personal social media use results in legal action due to defamation, harassment, libel, or retaliation, or any other violation of the law or another's rights, the City will not indemnify nor hold harmless, any volunteer, employee or official; and may seek contribution and other relief from said volunteer, employee or official of the City is such and/or found vicariously or otherwise liable.
6. Any content for City-related social media sites, electronic newsletters, or other media that contains information not previously available to the public, must be approved by the City Commissioners or their designee, the City Administrator.
7. Be respectful. Always be fair and courteous to fellow volunteers, employees, associates, residents, members, vendors, suppliers, or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve City-related complaints by speaking directly with your colleagues than by posting complaints to a social media outlet.
8. Ensure any social media use respects copyright, privacy, and fair use laws.
9. Volunteers, employees and officials should refrain from posting any photograph containing the City's logo, including photographs of members wearing City gear, T-shirts or other clothing without the permission of the City.
10. Volunteers, employees and officials should refrain from posting any photograph containing the City's equipment or vehicles without the permission of the City.
11. Volunteers, employees, and officials should refrain from posting any content on a City-related social media site that appears to endorse or lend favor to any candidates for political office or to sway or influence an election for government office.
12. In addition to following other policies and examples, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage residents, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of protected class status or association with a member of a protected class.
13. Always be honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, fellow employees or people working on behalf of City. The use of all City computer resources is for the express purpose of carrying out the business of the City.

Employees' use of the City's electronic communications systems and equipment are to be for business-related purposes.

12. Employees may not engage in any social media during shift hours, whether using the City's Internet server or personal devices, unless such social networking is an approved part of an employee's job and the social media is on behalf of the City. Volunteers and employees may access social media sites from their personal devices during their approved breaks.
13. When using social media on personal time, a volunteer or employee must use his or her personal accounts, such as a personal e-mail address or profile. An elected official, volunteer or employee may not use a City e-mail address, unless the social networking is an approved part of his or her job and the communication is on behalf of the City.
14. No elected official, volunteer, or employee shall post internal working documents that are not public records to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the City Commissioners through their designee, the City Administrator.

Guidelines Applicable to the City's Social Media Sites

15. No City social media site shall be established without prior approval of the City Commissioners. The use by any municipal department or city board/commission of social media sites are subject to approval by the City Commissioners through their designee, the City Administrator. All content for Bordentown City social media sites shall be approved by the City Administrator and/or City Commissioners.
16. The City social media sites shall clearly set forth that they are maintained by the City and that they follow this Social Media Policy.
17. Wherever possible, the City social media sites should link back to the official Bordentown City website for forms, documents, online services and other information necessary to conduct business with Bordentown City.
18. The Bordentown City social media sites are not to be used for making any official communications to the City, for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute by, ordinance or regulations such as but not limited notices of claim. Prominent notice of this paragraph shall be displayed on every City social media site, along with the appropriate contact information for submitting official communications.
19. This social media policy shall be placed on the Bordentown City website and all social media sites.
20. The City Commissioners, through their designee, the City Administrator, shall monitor City social media sites to ensure adherence to both this Social Media Policy and the interest and goals of the City. Bordentown City has the right and will restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable

law. Any content removed based on these guidelines will be retained by the City Administrator pursuant to the applicable City retention policy, including the time, date and identity of the poster, when available.

21. These guidelines must be displayed to users or made available by hyperlink.
22. The City will approach the use of social media tools as consistently as possible, enterprise wide.
23. The Bordentown City website at www.cityofbordentown.com will remain the City's primary and predominant internet presence. The City social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, as well as applicable record retention requirements.
24. Employees representing the City's government via its social media sites must conduct themselves at all times as a representative of the City and in accordance with all its policies.
25. This Social Media Policy may be revised at any time by approval of the City Commissioners

Guidelines Applicable to Commenting on the City's Social Media Sites

26. As of the date of this policy's adoption, it is anticipated that the City will create and maintain a Facebook page. Initially, the City will not permit commenting, however, it may in the future, subject to the below guidelines.
27. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
28. The intended purpose behind establishing the City social media sites is to disseminate information from the City, about Bordentown City, to its residents, employees, and visitors.
29. Comments containing any of the following inappropriate forms of content shall not be permitted on the City's social media sites and are subject to removal and/or restriction by the City Commissioners, through their designee, the City Administrator.
 - a. Profane, obscene, violent, or pornographic content and/or language, or sexually suggestive or links to such materials. Any image or link containing minors or suspected minors in sexual and/or provocative situations will be reported to law enforcement.
 - b. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
 - c. Defamatory attacks;

- d. Threats to any person or organization;
 - e. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - f. Conduct in violation of any federal, state or local law;
 - g. Encouragement of illegal activity;
 - h. Information that may tend to compromise the safety or security of the public or public systems;
 - i. Content that violates a legal ownership interest, such as a copyright, of any party the City does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and Submissions if properly notified that such content and/or Submission infringes on another's intellectual property rights;
 - j. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere;
 - k. Personal information of a person other than the poster;
 - l. Spamming or repetitive content; and
 - m. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection ACT. By posting on a City media site, users acknowledge that they are at least 13 years old;
30. A comment posted by a member of the public on any Bordentown City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of Bordentown City.
31. Any attempt to hack or otherwise compromise the City's internet or social media sites will be reported to law enforcement and the perpetrator will be denied access to the sites.
32. Bordentown City reserves the right to deny access to its social media sites for any individual, who violates the Bordentown City Social Media Policy, at any time and without prior notice.

Reporting Violations of this Policy

33. If an elected official, volunteer or employee becomes aware of a violation of this Policy, he or she should report it to the City Commissioners. The City will not take negative action against any employee for reporting in good faith a possible deviation from this Policy or for cooperating in an investigation.
34. If a volunteer or employee feels he or she is being harassed, discriminated against or retaliated against for reporting a violation of this Policy, he or she should notify the City Commissioners.

No Expectation of Privacy

35. Elected officials, volunteers and employees should be aware that, regardless of privacy settings on various social media platforms, social media may not be private. Elected officials, volunteers and employees are reminded that they should have no expectation of privacy when using the Internet, including social networking sites, during work time or when using City equipment.
36. The City reserves the right to monitor and review an employee's use of the City's computer systems when it deems it appropriate to do so, without advance notice.

Adverse Action

37. Management may direct a volunteer or employee to cease using social media during working hours.
38. Violations of this Policy and/or volunteer or employee misconduct related to the use of social media will be subject to disciplinary action as described in the Employee Discipline Policy in the City of Bordentown Employee Handbook.
39. Volunteers and employers can be held liable for volunteers' or employees' social media use, such as for a defamatory, discriminatory, or harassing social media message, comment, or tweet. Volunteers and employees should not express, communicate, or link to comments that are obscene, threatening, pornographic, harassing, or defamatory. If the City determines that an employee's postings have created potential criminal or civil liability for the City, it reserves the right to demand the posting be removed and to pursue any other applicable legal remedies.

Retaliation

The City prohibits taking negative action against any person for reporting a possible deviation from this policy, for cooperating in an investigation, or for reporting conduct in violation of the City's EEOC, Anti-Discrimination, Anti-Harassment, Whistleblower, and Anti-Retaliation and accommodation policies. Any employee who retaliates against a person for reporting the foregoing will be subject to disciplinary action, up to and including termination.

Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether City equipment or facilities are used for the purpose of committing the breach.

Any volunteer or employee suspected of committing a breach of Policy will be required to cooperate with our investigations, which may involve handing over relevant passwords and login.

The Commissioners may require the removal of internet postings which are deemed to constitute a breach of Policy, as determined by the Commissioners subject to applicable archiving and retention requirements.

Any City social media site created, administered or maintained by a City employee or volunteer remains the property of the City, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the City, they must relinquish everything related to the site including user names and passwords.

Terms of Use Disclosure (to be posted on all City Social Media Sites)

A. Information Disclaimer

By visiting this site, you understand and agree that the Bordentown City government site is provided "AS IS". The City makes every effort to provide accurate and complete information on this site. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the City. Portions of the information on this site may be incorrect or not current. The City, its officers, employees, or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy

The City site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the City. These links are provided solely as a courtesy and convenience to you, the visitor. The City, its officers, or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The City, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The City specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the City website or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the City, its officers, employees, or agents.

D. Copyright and Trademark Limitations

The City makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of Material from this Site

The City has made the content of these pages available to the public and anyone may view, copy or distribute City information found here without obligation to the City for noncommercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.

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F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any City website or documents provided therein may result in criminal prosecution.

I confirm that I have received, read, and understand the City's Social Media Policy.

Name _____

Signature _____

Date _____