

## **LOWELL HOUSING AUTHORITY SOCIAL MEDIA POLICY**

### **I. PURPOSE**

The Lowell Housing Authority (“Authority”) recognizes the importance of online social media networks as a communication tool. Social media sites facilitate further discussion of Authority issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. The use of social media presents certain risks, and carries with it certain responsibilities. The goal is to ensure that use of social media advances, rather than impedes, the operation of government.

The purpose of this Policy is to set forth general guidelines that must be adhered to with respect to utilization of social media sites for official Authority purposes, as well as personal use of social media by Authority employees. The Authority recognizes that employees and officials have the right to participate as citizens in public forums and discussions (including social media platforms) on matters of public concern. However, that right is balanced against the legitimate interests of the Authority in promoting accountability, reasonable judgment, and the efficiency of the public services it performs through its employees and officials.

This Policy is to be read in conjunction with all other applicable policies and rules of the agency, including but not limited to the Authority’s Computer Policy and Personnel Policy. It may be amended from time to time, and may be supplemented with additional administrative procedures and rules as may be issued. Questions regarding this Policy should be directed to the Executive Director.

Nothing in this Policy is designed to interfere with, restrain or prevent employee communications that are otherwise protected under law (i.e., First Amendment, Whistleblower, Protected Union Activities).

### **II. APPLICATION**

The Policy applies to all employees, officers, and officials (elected or appointed) of the Authority. Employees whose employment is governed by law or a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

### **III. DEFINITIONS**

The following definitions apply for purposes of this Policy:

- A. “Social media” includes all means of communicating or posting information or content of any sort on the Internet.

- B. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content, including but not limited to tools such as: blogs; wikis; microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; messaging applications such as Snapchat and Instagram; and bookmarking sites such as Pinterest.
- C. A “social media identity” is a specific user identity or account that has been registered on a third party social media site.
- D. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
- E. A “moderator” is an authorized Authority official or employee, who reviews, authorizes and allows content submitted by the Authority officials, employees and public commentators to be posted to a Lowell Housing Authority social media site or sites.
- F. “Authority Systems” are any electronic communication and information equipment and systems. Such Systems include, but are not limited to, computer workstations, hardware and software, electronic mail (e-mail), telephones, cellular phones, “smartphone”/ hand-held devices, tablets, pagers, facsimile machines, and the Internet.
- G. “Authority social media site” is any official social media site established by or for the Authority, with the authorization of the Executive Director.

#### IV. POLICY

- A. All Authority-sponsored social media sites shall be:
  - 1) approved by the Executive Director; and
  - 2) published using social media platform and tools approved by the Information Technology (“IT”) Department.
- B. The official posting for the Authority will be completed by the Executive Director or their designee.
- C. Subject to approval by the Executive Director, departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department heads may allow or disallow employee participation in any social media activities in their departments.
- D. All Authority social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Copyright Law and other applicable Authority policies.

- E. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in Section IV(K), or it is changed to fix spelling or grammar errors.
- F. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.
- G. Each Authority social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the site. Where possible, social media sites should link back to the official Authority site ([www.lowellhousingauthority.org](http://www.lowellhousingauthority.org)) for forms, documents and other information.
- H. Each social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Authority social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Authority.
- I. All social media sites shall clearly indicate they are maintained by the Lowell Housing Authority and shall have the Authority's contact information prominently displayed.
- J. The Authority reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
- K. Authority social media content and comments containing any of the following forms of content shall not be allowed for posting:
  - 1) Comments not topically related to the particular site or blog article being commented upon;
  - 2) Profane, obscene, or vulgar language or content;
  - 3) Content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
  - 4) Sexual content or links to sexual content;
  - 5) Conduct or encouragement of illegal activity;
  - 6) Information that may tend to compromise the safety or security of the public or public systems; or
  - 7) Content that violates a legal ownership interest of any other party.

- L. All Authority social media moderators shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
- M. Where appropriate, Authority IT security policies shall apply to all social media sites and articles.
- N. Employees representing the Authority via social media sites must conduct themselves at all times as a representative of the Authority and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Authority. See Section V, Employee Guidelines for Use of Social Media Sites.
- O. No Authority or department social media site can endorse or otherwise cite (either with approval or disapproval) any vendors, suppliers, clients, citizens, co-workers or other stakeholders.
- P. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### V. EMPLOYEE GUIDELINES FOR USE OF LOWELL HOUSING AUTHORITY SOCIAL MEDIA SITES

- A. **Electronic Communications and Computer Usage Policy.** All employees are responsible for understanding and following the Authority's Computer Policy in addition to this Policy.
- B. **First Amendment Protected Speech.** Although the Authority can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Authority or a moderator merely disagree (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by public entities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
- C. **Copyright Law.** Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Employees shall not reprint whole articles or publications without first receiving written permission from the publication owner, shall not quote more than a short excerpt of someone else's work and, if possible, provide a link to the original.
- D. **Protect Confidential Information.** Employees shall never post legally protected personal information obtained from the Authority (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations).

Ask permission to publish or report on conversations that occur within the Authority or its employees. Employees shall not post information about policies or plans that have not been finalized by the Authority without explicit permission from a supervisor to post draft policies or plans on the department's social media sites for public comment.

- E. **Consider The Content.** As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media – so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Authority and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.
- F. **Handling Negative Comments.** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, it can be expected that some feedback provided by members of the public will be negative. Some effective ways to respond to negative comments include:
  - 1) Providing accurate information in the spirit of being helpful;
  - 2) Respectfully disagreeing; and
  - 3) Acknowledging that it is possible to hold different points of view.
- G. **Respect The Audience and Coworkers.** Employees shall not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace. Employees shall not use a department's social media presence to communicate among themselves.
- H. **Use the Social Media Site or Identity Only to Contribute to the Authority's Mission.** Employees shall provide worthwhile information and perspective that contribute to the Authority's mission of serving the public by:
  - 1) Helping employees perform their jobs better;
  - 2) Informing citizens about government services and how to access them;
  - 3) Making the operations of the Authority transparent and accessible to the public;
  - 4) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
  - 5) Encouraging civic engagement.
- I. **Mistakes.** The Authority policy is that once something is posted, it should remain posted in its original form, except to correct spelling or grammatical errors. If any other modification is made to a prior post, the revision should be clearly noted.
- J. **Media Inquiries.** Authority social media identities or sites may lead to increased inquiries from the media. All media inquiries should be directed to the Executive Director.

- K. **Employee or Official Profile.** If you identify yourself as an agency employee or official, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders.
- L. **Defamation.** Be aware that employees acting in their individual capacity (not on behalf of the Authority) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that an individual published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Employees should avoid statements that may be interpreted as defamatory.
- M. **Records Retention.** Social media sites will contain communications sent to or received by Authority officials and employees, and are therefore Public Records. Employees posting to social media sites shall ensure the Authority retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save content for some period of time, but generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the moderators shall retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites.
- N. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site by members of a public body cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

## VI. GUIDELINES FOR PERSONAL USE OF SOCIAL MEDIA

All employees and officials are responsible for what they post online. Through this Policy, the Authority is not intending to unnecessarily intrude upon the personal associations and relationships of employees and officials. However, the impact of social media participation by employees and officials upon the ability of the Authority to function efficiently and effectively cannot be ignored. Any conduct that exposes the Authority to legal liability, or adversely affects job performance or the Authority's legitimate business interests, may result in disciplinary action up to and including termination.

### A. Required Conduct

1. Whenever the topic is one related to the functioning or operations of the Authority, including any matter pending or reasonably anticipated to be pending before any Authority board, committee, commission, or meeting, all personal posts on any social media site should contain an express statement that "The postings on this site are my own and do not represent the views, positions or opinions of the Authority" or similar

disclaimer. Employees and officials should not represent themselves as a spokesperson for the Authority on any personal social media site.

2. Employees and officials should ensure that postings are consistent with the requirements of both state and federal law, the rules of any social media site on which the employee/official is participating, as well as all Authority policies. Employees and officials are advised to carefully read these guidelines, together with all of the Authority's policies.
3. Employees and officials should be fair and courteous to fellow officials, employees and the public when posting. Rude or unprofessional commentary, whether in person, in a public setting, or online can serve to discredit the Authority as a whole.

#### B. Prohibited Conduct

1. No Authority computers or systems are to be used to make personal posts on any social media site or platform.
2. No personal posts shall be made during work time.
3. Authority e-mail addresses shall not be used to register on social networks, blogs, or other online tools utilized for personal use.
4. No employee or official shall post images, or audio or video footage, of co-workers or other Authority officials without consent from those individual(s). Employees and officials are prohibited from posting any images of nonpublic areas of the Authority's premises and property without prior authorization of the Executive Director, or his designee.
5. Inappropriate postings that include, for example, discriminatory comments/remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct, will not be tolerated.
6. Employees are prohibited from posting any internal reports, policies, procedures, or other internal confidential communications or documents and must maintain the confidentiality of the Authority's private and/or non-public information. The State Conflict of Interest Law [G.L. c. 268A, §23(c)(2)] expressly prohibits an employee or official from improperly disclosing materials or data obtained in the course of official duties, that is otherwise exempt from disclosure under the Public Records Law, and further prohibits the use of such information to further "personal interest." If an employee or official has a question about whether information is appropriately considered public or not, s/he should contact the Executive Director.
7. Employees should refrain from posting information about others that is protected from public disclosure by law, such as: Criminal Offender Record Information, HIPAA-protected information and any other personal medical information, information

concerning allegations of domestic violence and abuse, information protected under student privacy statutes, and the like.

8. Employees and officials should not comment upon rumors or political disputes related to or concerning the Authority or its employees and officials.

#### C. Permitted Conduct

1. Employees and officials may include in their social media personal profiles, their job titles, as well as information about their personal participation in Authority sponsored-events, including volunteer activities.

#### VI. SANCTIONS

Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

**SOCIAL MEDIA POLICY**

This acknowledges that I have received and reviewed the Social Media Policy of the Lowell Housing Authority (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*To be included in employee’s personnel file.*