

# MANAGER

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**TOWN OF WARREN**  
**OFFICE OF THE TOWN MANAGER**

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**MEMORANDUM**

DATE: October 8, 2020  
TO: Town Council  
CC: Anthony DeSisto, Esq.  
FROM: Kate Michaud, Town Manager  
RE: Social Media Policy

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Attached you will find a draft social media policy. This is not intended as a draft that is ready for adoption, but rather it is intended to be a starting point for discussion regarding the applicability and scope of an acceptable policy. I have based this draft upon a comprehensive review of many policies from other Rhode Island and Massachusetts municipalities, and I have included every possible aspect drawn from these other examples.

In summary, please view this draft as a menu of options. I look forward to hearing your feedback and working with the Council to refine the draft policy as appropriate.

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SOCIAL MEDIA POLICY  
October, 2020 DRAFT

Social Media Policy

**I. Policy for Elected and Appointed Officials:**

A. **Introduction.** The Town of Town of Warren (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 Officials of the Town.

**II. Definitions:**

1. *The Town:* Town of Warren.
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. While 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 by-laws, 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.

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

C. Use of social media is also subject to the Town's Computer Policy, Sexual Harassment Policy as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws.

D. All use of social media is subject to the following conditions:

1. There is no guarantee of privacy for electronic communications through Town systems or equipment. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited using the Town's network will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices including, but not limited to, Town-issued email accounts, Internet services, Intranet, Town-owned laptops and computers provided for remote use, and computer software constitutes acceptance of such monitoring. Content maintained electronically is also subject to the Public Records Law.
2. All Officials are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
3. 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.
4. Officials must not harass others in contravention of the Town's Computers and Communications Policy, Sexual Harassment Policy, and any other applicable anti-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 name(s) of any individual is not specifically referenced.
5. Officials should be honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Officials should

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not post any information or rumors they know to be false about the Town, its employees, constituents, officials, suppliers, vendors, contractors or any other entities or individuals.

6. 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 he/she is an Official of the Town and should make it clear that his/her 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.
7. 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 Manager.
8. 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.).
9. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.
10. 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.
11. 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.

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E. 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.

F. 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 race, gender, national origin, 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. Content Policy for Town Social Media Accounts**

As a public entity, the Town should abide by certain standards to serve all its constituents in a civil and unbiased manner. The intended purpose behind establishing Town Social Media sites is to disseminate information from the Town, about the Town, to its citizens.

A. Content perceived as containing any of the following, but not limited to, inappropriate forms of content shall not be permitted on Town Social Media sites and is subject to removal and/or restriction by site administrators, the Town's Public Information Officer, the Town Manager, or their designees:

1. Content not related to the original topic or to the business of the Town, including random or unintelligible contents;
2. Profane, obscene, violent or pornographic Content and/or language;
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, national origin, sex, gender, physical and mental disability, sexual orientation, religion, age, family status, military status, or source of income.
4. Defamatory or personal attacks;
5. Threats to any person or organization;
6. Content in support of, or opposition to, any political campaigns or ballot measures;

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7. Solicitation of commerce, including but not limited to the advertising of any business or product for sale;
8. Conduct in violation of any federal, state, or local law, rule or regulation;
9. Encouragement of illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems;
11. Content that violates a legal ownership interest, such as, but not limited to a copyright, of any party; or
12. Any other Content deemed inappropriate by the Town.

D. Content posted by a member of the public on any Town Social Media site shall be the opinion of the commentator or poster only, and publication of Content does not imply endorsement of, or agreement by, the Town, nor does such Content necessarily reflect the opinions or policies of the Town.

E. The Town reserves the right to deny access to Town Social Media sites to any person who violates the Town's Social Media Policy, at any time and without prior notice.

F. Site administrators shall monitor Town Social Media sites for Content requesting responses from the Town. Site administrators may direct such requests to the appropriate Town department for response.

G. Site administrators shall monitor Content posted on Town Social Media sites for Content in violation of this Social Media Policy.

H. When a Town employee responds to a comment, in his/her capacity as a Town employee, the employee should do so in the name of the Town department, and the employee shall not share personal information about himself or herself, or other Town employees except as required for Town business.

I. Content posted to any Town Social Media site must comply with that site's terms and conditions, and the Town reserves the right to report any violation of those terms to the site administrator so the site administrator may take appropriate and reasonable responsive action.

**V. Complaints or Problems of Misuse:**

Should any Official receive or become aware of a violation of this policy, the Official should report the violation to the Town Manager as soon as possible.



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

**VI. Use of Personal Social Media - Privacy of Employees and Applicants**

**A. The Town shall not:**

1. Require, coerce, or request an employee or applicant to disclose the password or any other means of accessing a personal social media account;
2. Require, coerce, or request an employee or applicant to access a personal social media account in the presence of the employer or representative;
3. Require or coerce an employee or applicant to divulge any personal social media account information, except when reasonably believed to be relevant to an investigation of allegations of employee misconduct or workplace related violation of applicable laws and regulations and when not otherwise prohibited by law or constitution; provided that the information is accessed and used solely to the extent necessary for purposes of that investigation or a related proceeding.
4. Compel an employee or applicant to add anyone, including the employer or their agent, to their list of contacts associated with a personal social media account or require, request, or cause an employee or applicant to alter settings that affect a third party's ability to view the contents of a personal social media account.
5. Discharge, discipline, or otherwise penalize or threaten to discharge, discipline or otherwise penalize any employee for an employee's refusal to disclose or provide access to any information specified in this policy, or for refusal to add the employer or his or her list of contacts associated with a personal social media account, or to alter the settings with a personal social media account.
6. Fail to refuse to hire any applicant as a result of the applicant's refusal to disclose or provide access to any information specified in this policy or refusal to add the employer to their agent to their list of contacts associated with a personal social media account, or to alter the settings associated with a personal social media account.

*References: 50 Rhode Island General Law – Chapter 28-56 Employee Social Media Privacy*



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**VII. Questions:**

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

**VIII. Discipline:**

Violation of this Policy may constitute good cause for removal of appointed Officials under the Town Charter. Elected officials may be subject to a request for their resignation, public censure or reprimand or a recall petition in accordance with the Town Charter. 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.

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**Acknowledgment of Receipt of Policy**

I acknowledge receipt of this *Social Media Policy for Appointed and Elected Officials*, and that I have read it. I understand that all social media usage and all information transmitted by, received from, or stored in town owned systems are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these systems. I acknowledge and consent to the Town monitoring my use of its electronic communications at any time, at its discretion. Such monitoring may include reviewing Internet websites visited, including social media sites, printing and reading all e-mail entering, leaving or stored in these systems, and/or reviewing all documents created or downloaded. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures and will be considered records of the Town.

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Name (Print)

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Signature

\_\_\_\_\_  
Date

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Witness