

TOWN OF HAMILTON SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

Social Media Policy

I. Policy:

A. **Introduction.** The Town of Town of Hamilton (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 Hamilton.
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.

TOWN OF HAMILTON SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

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 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 lap tops 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 other policies and standards of conduct, rules, regulations, and by-laws 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 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.

TOWN OF HAMILTON SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

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.

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.

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

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. 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 Grievance Officer as soon as possible. The current Grievance Officers are Joseph Domelowicz Jr. who can be reached at the Town Offices located at 577 Bay Rd., Hamilton, MA 01936 or 978-626-5201 and Chief Russell Stevens, who can be reached at the Hamilton Public Safety Building located at 275 Bay Rd., Hamilton, MA 01982 or at 978-468-1212.

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 Manager.

VI. 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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FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

Acknowledgment of Receipt of Policy

I acknowledge receipt of this *Social Media Policy for Appointed and Elected Board/Committee Members*, and that I have read it. I understand that all social media usage and all information transmitted by, received from, or stored in these 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.

Name (Print)

Signature

Date

Witness