

TOWN OF GUILFORD

SOCIAL MEDIA & EMAIL POLICY

Section 1: Title and Authority

This policy shall be known as the Town of Guilford (the Town) Social Media and Email Policy (hereafter “Policy”). It has been adopted by the Town of Guilford Selectboard (the Selectboard) pursuant to 24 V.S.A. §§ 1121, 1122, and 872.

The Selectboard reserves the right to amend any of the provisions of this Social Media and Email Policy for any reason and at any time, with or without notice.

This Social Media and Email Policy will be administered by the Town of Guilford Selectboard or its authorized representative and is intended to be consistent with other Town policies, including the Town Personnel Policy.

Section 2: Purpose.

This document outlines the policies and procedures for Town use of municipal social media and email platforms. The purpose of this policy is to provide standards and procedures for the appropriate use of social media and email when conducting Town business. While this Policy generally applies to the most popular sites, such as but not limited to Facebook, YouTube, Twitter, and G-Suite and, in Vermont, Front Porch Forum, it is acknowledged that social media and email are evolving communications tools and that resources may change and new resources become available over time. This Policy also applies to Town email addresses and services. The Town may utilize social media and email to communicate information related to the business of the Town directly to the public as well as to provide members of the public the opportunity to comment on town business. This includes, but is not limited to, operations and services provided by the Town. The Town encourages the use of social media to further the missions and goals of its departments and public bodies, and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

This policy gives direction to Town employees, elected officials, volunteers, appointees, public bodies and other authorized affiliated organizations that utilize the Town’s electronic/computer resources to access social media websites, engage in social networking, and send/receive emails for Town purposes. The Town has an overriding interest and expectation in deciding what is published on behalf of the Town through social media and in establishing guidelines for the use of Town social media by Town officials and the general public. This Policy also creates guidelines for any public user who accesses or comments on the municipality’s social media platforms.

The municipality has an overriding interest and expectation in deciding what is published on behalf of the municipality through social media and in establishing guidelines for the use of municipal social media and email by municipal officials and the public.

Section 3: Definitions:

Comment means a statement, post, image, remark or response submitted by a Town official or member of the public to the Town for posting on the town's social media and/or website including hyperlinks and any medium of content.

Designated Agent means an individual designated by the Town of Guilford Selectboard to receive and respond to notifications of claimed copyright infringement. Once named, the Town must file a "designation of agent" form with the United States Copyright Office.

Email is the exchange of digital messages among Town employees, elected officials, volunteers, appointees, and other authorized individuals and other computer users for the purposes of conducting Town business.

Social Media means the various forms of information sharing technology to create web content and dialogue around a specific issue or area of interest. Examples of social media applications include but are not limited to Facebook, Google and Yahoo Groups, Wikipedia, YouTube, Flickr, Twitter, Tumblr, Instagram, LinkedIn, news media, and comment-sharing/blogs.

Town Electronic Equipment means all Town electronic equipment including but not limited to computers, smartphones, tablets, and any other Town equipment that may be utilized to send or receive electronic communications as well as any accounts, email addresses, login names and passwords to access Town social media accounts and website.

Town Official means employees of the Town, public officers (whether elected or appointed), and Town volunteers.

Town Social Media Site means the official social media site(s) of the Town.

Town Social Media Moderator means an individual designated by the Town of Guilford Selectboard, to monitor, manage and oversee social media content, consistent with the goals of the town.

Visitor means a member of the general public who accesses Town social media and/or website.

Section 4: Conduct of Town Officials

Those designated and authorized to utilize Town social media and email do so with the understanding that they are representing the Town via social media and email and must conduct themselves at all times as representatives of the Town. Use of Town social media sites shall comply with this policy, the Town's personnel and any other relevant policies, charter provisions,

rules and regulations of the Town. This includes any usage of Town social media and email from outside of the workplace.

When a municipal official responds to a comment in her/his capacity as a municipal official, the official's name and title should be made available.

Town employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the Town's personnel policy, employment contract, or collective bargaining agreement as appropriate by the Selectboard. Appointees and volunteers found in violation of this policy may be subject to removal from their respective public posts by the Selectboard. Elected officials found in violation of this policy may be subject to private or public admonishment and/or may be asked to resign their office. When a Town official responds to a comment in his/her capacity as a Town official, the official's name and title should be made available.

Information posted to Town social media sites and sent via email is public information, and there should be no expectation of privacy in regards to this information. Town officials are expressly prohibited from disclosing any information via social media posts that may be confidential. Transmission of electronic messages, including but not limited to email, on the Town's computer system shall be treated with the same propriety, professionalism, and confidentiality of traditional written correspondence.

Town employees may not use personal accounts to comment on or post information to Town social media sites, and/or posting information regarding official Town business on other social media sites. All social media comments and posts by Town employees are subject to Vermont's Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, charter provisions and regulations. Town employees can only use official Town social media accounts and email addresses (firstnamelastname@guilfordvt.net) to conduct Town business.

Town employees and officials should have no expectation of privacy regarding anything created, sent, or received on the Town's electronic equipment. The Town may monitor all transactions, communications, and transmissions to ensure compliance with this policy and to evaluate the use of its equipment.

It is the responsibility of authorized Town officials to ensure that information communicated by means of social media and email is accurate and up-to-date.

Authorized Town officials must be provided with a copy of this policy and sign the Acknowledgement of Official Use by Authorized Town Officials (see Addendum A) prior to utilizing Town social media.

Section 5: Comments

For purposes of this policy, Town social media falls into two distinct categories:

1. **The Town Government Speech Site** does not allow for any public comments whatsoever. It is reserved for Town government to engage in its own expressive conduct to promote its own message. Examples of this type of communication include the Town's official website, the Town Report, and social media sites where public comment has not been enabled.
2. **Limited Public Forums** are social media sites in which the Town participates and where public comment has been enabled to allow for comment on specific topics as signified by postings by authorized Town officials or consistent with the purposes of this policy. Submission of comments by members of the public constitutes participation in a limited public forum. The Town's social media site(s) serve as a **Limited Public Forum** much like a Selectboard meeting, with established rules of procedure.

Users and visitors to Town social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for public comment with the following notice posted.

A comment posted by a member of the public on any Town 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 Town, nor do such comments necessarily reflect the opinions or policies of the Town.

Comments by authorized Town officials shall be allowed on Town social media sites only when consistent with the provisions of this policy. Comments by the general public shall be allowed on limited public social media forums only when consistent with the provisions of this policy. Comments containing any of the following inappropriate forms of content shall not be permitted on any type of Town social media site and are subject to editing, removal or restriction, in whole or in part, by authorized Town officials:

- Comments not topically related to Town programs, services, projects, issues, events and activities, or the particular post being commented upon;
- Profane, obscene, or sexual language or content or links to such language or content;
- Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- Religious statements, including comments that endorse or oppose any type of religious opinions or activities;
- Posts and comments that promote or advertise commercial services, entities or products except as stipulated in Town marketing plans and determined by the Town to be essential to economic development;
- Disruptively repetitive content;
- Conduct or encouragement of illegal activity;
- Information that may compromise the safety or security of the public or public systems;
- Malicious or harmful software or malware;

- Posts and comments that include vulgar, offensive, threatening or harassing language, personal attacks or accusations;
- Threats to any person or organization;
- Confidential, private, or exempt information or records as defined by State law;
- Illegal activity or encouragement of illegal activity; or
- Content that violates a legal ownership interest of any other party;
- Comments that are clearly unrelated to the subject matter of any post made on the platform by or on behalf of the Town.

If comments are related to the topic at hand, then the content must be allowed to remain, regardless of whether it is favorable or unfavorable to the Town.

The Town reserves the right to deny any individual who violates the Town social media policy access to posting to Town social media sites, at any time and without prior notice.

The Town reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law. Content submitted for posting that is deemed not suitable for posting by the Selectboard or its authorized representative because it is not topically related to the particular subject being commented upon, or is otherwise deemed prohibited content based on the criteria set forth in this policy, must be retained in accordance with the relevant records retention schedule. Such content shall be accompanied by a description of the reason it is deemed not suitable for posting along with the time, date, and identity of the poster when available. To contest the restriction of access to a social media platform, the user must submit a written statement providing grounds for reinstatement to the Municipal Social Media Moderator. Requests will be responded to on a reasonably timely basis, and access will be restored if it is determined that the grounds for reinstatement are sufficient. A statement that the user will abide by this Policy in the future may typically be sufficient.

All Town social media authors and public commenters shall be clearly identified. Anonymous posting shall not be allowed.

These conduct guidelines governing comment on Town social media sites shall be displayed on all limited town social media forums or made available by hyperlink from the town's official website.

Users may contact the Municipal Social Media Moderator at any time to identify comments or other conduct on the municipal social media platforms in violation of this Policy. Users should avoid and ignore responding to a comment in violation of this Policy, or if responding, do so in conformance with this Policy.

All comments posted to any municipal social media platform are bound by that platform's applicable statement of rights and responsibilities or terms of service. The Town reserves the right to report any violation of that platform or site's statement of rights and responsibilities or terms of service to the platform or site's provider with the intent of the provider taking appropriate and reasonable responsive action.

Section 6: Email

The use by town employees and officials of Town email addresses on behalf of the Town is subject to all applicable Town and State laws, policies, and procedures. All email and associated materials and documents created, stored, sent, and received may be considered public record and are potentially subject to public records requests and other legal processes. 1 V.S.A. § 316(a), 317(b,c).

The email system or contracted email services used by Town employees and officials are Town property and solely intended for the purpose of conducting Town business. They are not the private property of any employee, and employees and officials should not consider any email or their associated materials and documents as private or personal possessions. All usernames and passwords associated with these systems or services are considered Town property.

When using Town email addresses, appropriateness, professionalism, and sound judgement should be used at all times. The following forms of communication or activities are prohibited:

- Accessing, downloading, sending, printing, or storing information with sexually explicit content as prohibited by law;
- Communication containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, color, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, genetic information or any other category of person protected under state or federal law.
- Transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages, images, or associated content;
- Uploading, downloading, sending, or receiving copyrighted or access restricted Town materials or information contrary to Town policies;
- Sending email using another user's identity, an assumed name, or anonymously;
- Permitting an individual who is not a Town employee or elected official to communicate using your account;
- Any solicitation for commercial purposes, religious or political causes, any outside organization, or other non-job related solicitation;
- Any other activity designated as prohibited by the Selectboard or compromises the Town and its business.

Employees who end employment with the Town for any reason have no right to the contents of their email messages and are not allowed access to the email system.

The misuse of email privileges may be considered sufficient cause for disciplinary action, up to and including termination.

Section 7: Account Management

The establishment and use by Town officials of Town social media sites on behalf of the Town is subject to approval by the Town of Guilford Selectboard via its authorized representative.

The Town of Guilford Selectboard or its authorized representative will review all requests to contribute to Town social media sites and has the sole authority to authorize their use and establish and/or terminate Town social media accounts of Town officials and pages.

There should be an authorization process for employees wishing to create an account for the benefit of the Town, with the Town Administrator/Selectboard or his/her authorized representative as the authority to oversee and confirm decisions. In this role, the Town Administrator or a representative authorized by the Selectboard will evaluate all requests for usage and verify staff or elected officials authorized to use the Town's social media tools. The Town Administrator or authorized representative will also be responsible for maintaining a list of all social networking application domain names in use, the names of all town administrators of these accounts, as well as the associated user identifications and active passwords.

Section 8: Content Management

The Selectboard or its authorized representative designates a Town Social Media Moderator to monitor, manage, and oversee all content on each social media site to ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Town. If a Town Social Media Moderator is not selected, this role will be undertaken by the Town Administrator.

The Town Social Media Moderator is responsible for the removal of information from town social media outlets after approval by the Selectboard, or in certain critical circumstances by the Selectboard Chair.

Designated department heads and/or other authorized town officials will be responsible for the content and upkeep of any town social media they may create.

The town does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks or websites or content linked thereto.

Wherever possible, content posted to the town's social media sites will also be available on the town's official website. Town social media sites should complement rather than replace the town's existing web resources. Content posted on the town's social media sites should contain links directing users to the town's official website for additional information, forms, documents, or online services necessary to conduct business with the town.

All town social media sites shall clearly indicate that they are maintained by the town and shall prominently display necessary town contact information. All town social media sites shall include the following notification:

This is the official (Facebook, Twitter, YouTube, etc.) page for the Town of Guilford, Vermont. If you are looking for more information about the Town of Guilford, Vermont please visit the www.guilfordvt.net website. The purpose of the Town page is to provide general public information only. Should you require a response from the Town or wish to request services, you must go to the Town website, if appropriate, or contact the town at [insert town office phone number and a link to the Town's website contact form].

Section 9: Public User Agreement

A copy of this policy shall be accessible from the Town's official website. The general public shall be informed that agreement to the terms of this policy is a prerequisite to participating in the town's limited public social media forums.

Section 10: Copyright Infringement Notification

The Town complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law (U.S. Copyright Act, Title 17 of the US Code, and, more recently, the Digital Millennium Copyright Act, 105 PL 304) makes it illegal to download, upload, or distribute in any fashion copyrighted material in any form without permission or a license to do so from the copyright holder.

The Town respects the intellectual property of others and asks users of the Town's social media sites to do the same. In accordance with the DMCA and other applicable law, the Town has adopted a policy of terminating, in appropriate circumstances and at its sole discretion, users, subscribers, or account holders who are deemed to be repeat copyright infringers. The Town may also, in its sole discretion, limit access to its social media sites and/or terminate/block the accounts of any user who infringes any intellectual property rights of others, whether or not there is any repeat infringement.

The following notification shall be made accessible on all town social media sites and on the town's official website:

If you believe that any material on the town's official website or town social media site infringes on any copyright which you own or control, or that any link on the town's social media sites directs users to another website that contains material that infringes on any copyright that you own or control, you may file a notification of such infringement with the town's Designated Agent as set forth below. Notifications of claimed copyright infringement must be sent to the Town of Guilford, Vermont's Designated Agent for notice of claims of copyright infringement. The Town of Guilford, Vermont's Designated Agent may be reached as follows:

Designated Agent: Peder Rude, Town Administrator

Address of Designated Agent: 236 School Road, Guilford, VT 05301

Telephone Number of Designated Agent: 802.254.6857

Email Address of Designated Agent: pederrude@guilfordvt.net

Section 11: Public Records Law – Compliance

Town social media, their related social media content, and emails are subject to Vermont's Access to Public Records Law. Information that is produced or acquired in the course of Town business, including comments posted to Town social media, and sent or received via email may be a public record. Thus, there should be no expectation of privacy in regards to the information posted on these social media outlets.

All files, documents, data, and other electronic messages created, received, or stored on the Town's computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law. A public record consists of any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of Town business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

The Town's official website and Town social media shall clearly indicate that any articles and any other content or comments posted or submitted for posting in whatever format are subject to public disclosure. Content related to Town business shall be maintained in an accessible format so that it can be produced in response to a public records request. Users shall be notified that public disclosure requests must be directed to the proper custodian of public records. The name, title, and contact information for the proper custodian of public records shall be posted on each Town social media site.

Section 12: Public Records Law – Retention

Relevant Town records retention schedules apply to content on the Town's official website as well as to Town social media sites and email. Content posted or submitted for posting shall be retained pursuant to Vermont's Public Records Law in its standard format and in accordance with applicable disposition orders and retention schedules as established by the Vermont State Archivist.

Section 13: Open Meeting Law – Compliance

Vermont's Open Meeting Law defines a public meeting as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. All meetings of a public body are to be open to the public at all times unless otherwise exempted.

All posts by members of the municipality's public bodies that relate to municipal business are subject to Vermont's Open Meetings Law. Members (elected or appointed) of any municipal public body should refrain from using municipal social media platforms to discuss the business of the public body or take action by the public body in violation of Vermont's Open Meeting Law. Furthermore, 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.

Members of municipal public bodies may utilize municipal social media for gathering public input and fostering public discussion related to the role with which the public body has been charged by statute or the Selectboard, provided that the use is authorized in accordance with and conforms to this Policy.

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 with regard to public meetings and hearings under Vermont law.

Section 14: Legal

All comments posted to any Town social media site are bound by that site's applicable statement of rights and responsibilities. The Town reserves the right to report any violation of that site's statement of rights and responsibilities to the site provider with the intent of the provider taking appropriate and reasonable responsive action.

ADOPTED this 25th day of March, 2019.

SIGNATURES of TOWN OF GUILFORD, VERMONT SELECTBOARD:

Sheila Morse, Chair Sheila Morse

Richard Wizansky, Vice-chair Richard Wizansky

Gordon Little Gordon Little

Verandah Porche Verandah Porche

Michael Becker Michael Becker