

Social Media Participation Policy City Council

The term “social media” refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Some examples include, but are not limited to, Internet-based platforms such as Facebook, Twitter, Instagram and YouTube.

Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, city officials are able to instantly interact with them via social media. Although this technology greatly increases communication outreach and efficiency, some restrictions are required in order to comport with federal and state law.

Commenting on City Accounts

The City of Leander uses social media to send and receive messages about city information, services and related programs with community stakeholders, including employees, vendors, citizens, media and other members of the public.

1. Similar others who engage with the City on social media, as an elected official you should understand the City’s current guidelines for public participation, which are subject to change as new technology and tools emerge.
2. Public comments may be removed from City-administered social media accounts if they contain any one or more of the following:
 - a. Vulgar, physically threatening or harassing language.
 - b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law.
 - c. Inappropriate sexual content or similar links.
 - d. Private or otherwise confidential information.
 - e. Content that promotes illegal activity or encouragement of actions that may compromise public safety.
 - f. Content that violates a legal ownership interest of any other party.
 - g. Comments not topically related to the original article or post.
 - h. Comments in support of or opposition to political candidates, campaigns or ballot measures during an election season.

- i. Promoting or advertising a commercial transaction, organization or event that is not sponsored or in direct relationship with the City.
- j. Organized political activity.
- k. Information that may compromise the safety or security of the public or public systems.

Use of Personal Accounts

As a policy-making body, Council members are given more latitude than City employees to publicly express thoughts and opinions on local issues. However, as an elected official, you should be aware of additional risks related to your general participation on social media.

1. Open Meetings Act – Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a “meeting” to which the Texas Open Meetings Act applies. If the Act applies to a discussion, an agenda must be posted 72 hours in advance, and the public must be allowed to attend.

Therefore, you should consider the following when using personal social media accounts:

- a. Remove elected titles from profiles used to identify a personal social media account, and clearly state how constituents should communicate regarding public matters.
- b. Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page:

*“This account is intended for personal use only. The views, postings, positions or opinions expressed on this site **are my own and do not represent those of the City of Leander**. If you are a citizen of Leander and would like to discuss city business, please go to [official page] or contact me at [official email].”*

- c. Redirect information to official government sources and avoid making posts related to your official duties or governmental bodies.
- d. Redirect political dialogue requests to an alternative means of communication (i.e. email, phone or other preferred social media account).
- e. Avoid commenting on local issues where other Council members are also participating in discussion.
- f. Avoid making posts and/or comments on behalf of the City and/or the City Council.
- g. Avoid making posts and/or comments in your official capacity as an elected official.
- h. Avoid making posts and/or comments regarding City business.

2. Public Information Act – State law clarifies the definition of “public information” as information that is written, produced, collected, assembled, or maintained in connection with the transaction of official business, which includes email, Internet posting, text message, instant message, and other electronic communication.

Therefore, you should consider the following:

- a. Hide, rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, don’t delete it.
 - b. Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (i.e. email).
 - c. Be aware that a personal social media account, depending on its content, may still be subject to the Public Information Act.
3. First Amendment – More constituents are posting comments on elected officials’ personal pages to voice concerns on public issues. Once an elected official’s social media page is opened for political discussion, it is transformed into a public forum for speech and debate, instantly granting every user a First Amendment right to comment.

Therefore, you should consider the following:

- a. Limit open-ended political and city business discussions from your personal social media accounts and redirect dialogue requests to an alternate channel.
- b. When in doubt, don’t block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and then document your actions and reasons for blocking.

Use of Official Accounts

If you choose to create a social media account to engage with constituents, a best practice is to keep this account distinct and separate from other personal accounts that you maintain.

Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account could put you at risk for violating laws that prohibit using government resources for political purposes.

Therefore, you should consider the following:

1. Make it official – Your account profile, description and photo should clearly indicate your position as a member of the Leander City Council and your intent to use the account as a way of communicating with constituents.
2. Your account is a public forum – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or

copyright is subject to strict scrutiny, and First Amendment activities generally may not be prohibited. So, when in doubt, don't delete it.

3. Prohibited content is defined by City policy – For consistency, **consider managing prohibited content on your accounts in the same way City-administered accounts are managed.**
4. Campaign separately – **Council members in office should not use City administered or funded social media accounts for electioneering. It's equivalent to campaigning from the dais during a public meeting, which may violate state law.**
5. Involve legal counsel – If you are unsure about publishing certain content, or feel you are justified in the removal of content, involve legal counsel before making a decision.

General Guidelines

1. **Be transparent** – Your honesty will be quickly noticed in the social media environment. If your private sector work could present a conflict of interest, be the first to point it out. And be clear about why you support, or don't support, certain policies or programs.
2. **Be judicious** – Make sure your efforts to be transparent do not violate any applicable legal guidelines for external communication. Consult with legal counsel before sharing conversations that are meant to be private or internal to the City or any other public entities. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Also, be aware that the social media account and anything published on that social media account may be subject to the Public Information Act.
3. **Be knowledgeable** – Write in first-person and consider linking to your information sources. If you publish to a website outside of the City, consider using a clarifier such as: "These comments and opinions reflect my position as one member of Leander City Council." If you have any questions about complying with brand, trademark, copyright, fair use, confidentiality, or financial disclosure laws, seek an opinion from legal counsel.
4. **Be perceptive** – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an elected official, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with the City's values and professional standards.
5. **Be conversational** – Talk to your readers like you would talk to people in professional situations. Avoid overly "composed" language. Bring in your own personality and say what is on your mind. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allow your content to be shared.
6. **Be excited** – The City is making important contributions to the community, state and nation, as well as to public dialogue on a broad range of issues. Our activities are focused on providing services and innovation that benefits citizens and stakeholders. Share what Leander is learning and doing, and open up social media channels to learn from others.

7. Be valuable – There is a lot of written content in the social media environment. The best way to reach an audience is to write about things that they value. Social communication from City leaders should help citizens, partners and families. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand the City better, then it adds value.
8. Be responsible – What you write is ultimately your responsibility. Pause. If you are about to publish something that makes you even the slightest bit uncomfortable, don't publish. If you are still unsure, you might want to check with the Public Information Officer or legal counsel. Ultimately, what you publish is yours, but so is the responsibility and potential consequence.
9. Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. If you are posting to a blog, you could choose to modify an earlier post. Make it clear that you have done so.

Records Retention

1. Because of your position as an elected official, activity on your social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a record.

Therefore, you should consider the following:

- a. The City does not archive or manage Council member social media accounts. You are solely responsible for the retention and archival of content published to your individual accounts.
 - b. When in doubt, don't delete content without consulting with legal counsel first.
2. Social media content administered by City employees, and intended for public access and comments, will follow a minimum retention period of two years, as established by the Texas State Library and Archives Commission. This includes Council member comments posted on City accounts.
 3. When applicable, the City will use a software-assisted social media capture tool to obtain and archive an authentic copy of monitored content. This includes Council member comments posted on City accounts.

Definitions

For the purposes of this policy, unless otherwise stated, the following definitions apply:

1. Comment – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.

2. Connections – Any deliberate links between a user and a social media channel or page, whether it is initiated by the individual or by the site moderator. Terms used by various sites to describe a connection include friend, fan, follower or subscriber.
3. Limited forum – a public forum created by the government voluntarily for expressive activity that may be restricted as to subject matter or class of speaker. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.
4. Post – In relation to social media accounts or online activity, anything published in an online forum or social media account.
5. Social media – Internet based third-party platforms that facilitate interaction and engagement among individuals in a network or virtual community. Social media offers a participatory environment and includes user-generated content such as videos, photos, videos, blogs, and wikis.

Violation of Policy

This policy is not meant to circumvent or bypass any of the other processes, policies or laws that are applicable to the City Council. Social media activity and conduct by Council members should not only comply with these policy terms, but all other processes, policies and laws that may apply as well.

Policy Updates

The City Council reserves the right to update these terms of use at any time.

Social Media Participation Policy City Employees

1. Purpose

The City of Leander (City) uses social media to send and receive messages about city announcements, services and related programs with community stakeholders, including employees, vendors, citizens, media and other members of the public. See Exhibit A for a list of social media pages managed by the City.

The intent of this policy is to provide clear and concise guidelines for social media use. Anyone who participates in social media on behalf of the City should understand and follow approved guidelines and policies, which are subject to change as new technology and networking tools emerge.

This policy applies to any current or proposed social media websites or accounts created by City employees within the scope of their employment, and on which the public is encouraged to interact with the City.

The primary benefits of social media use by the City include:

- Engage in one-on-one communication with Leander residents and stakeholders.
- Promote city government programs and services in a timely manner.
- Respond to public questions or concerns in a timely manner.
- Expand and target media reach to a diverse set of community audiences.

2. Use by City Employees

- a. You must adhere to applicable federal, state and local regulations while managing content on a City social media account, including those specific to computer use, electronic communications, workplace behavior, professionalism, records management, and all other applicable City policies and procedures.
- b. You are responsible for content you author or publish from a City social media account.
- c. The City Secretary and Public Information Officer are responsible for the archival and retention of content published from a City social media account in accordance with the Texas Public Information Act.
- d. This policy does not extend to personal social media accounts managed by you. However, you may be subject to corrective action for violating City policies and procedures by publishing content that could negatively affect public confidence in either City operations or your capacity to serve as a City employee.
- e. While connections to City social media accounts from your personal accounts are permitted, the content of personal accounts should not be published in such a way as to cause users to believe the content is administered or endorsed by the City, including unauthorized use of City logos and trademarks.

3. Prohibited Activity

You are not permitted to:

- a. Create a social media page representing the City or one of its departments, affiliates, boards or committees unless authorized by the City Manager and Public Information Officer in writing.
- b. Link City contact information to a personal social media account (i.e. City addresses, names, phone numbers, emails) unless authorized by the City Manager or Public Information Officer in writing.
- c. Use personal social media accounts while at work when it violates the City's code of conduct policy or any other City policies or procedures, or if it involves unlawful or unauthorized commercial, political or other prohibited activities.
- d. Publish content on a City social media account that contains any of the following:
 - 1) Misleading or derogatory information about the City or its employees, officials, policies or procedures.
 - 2) Actual or potential claims and litigation involving the government.
 - 3) Known copyrighted work or intellectual property of others without written permission.
 - 4) Personal, sensitive or confidential information.
 - 5) Pornography or any sexually explicit content or comments.
 - 6) Racist, sexist or disparaging language about any ethnic, religious or social group.
 - 7) Threatening, harassing or defamatory comments.
 - 8) Political campaign materials or comments.
 - 9) Information that is not public in nature.
 - 10) Content that violates applicable City policies and procedures and/or other laws (i.e. discrimination, harassment, sexual harassment, hostile work environment, retaliation, ethics, professional work environment, copyright, etc.)
- e. Administrators of City social media accounts intended for public access and comments are prohibited from blocking users of those accounts except under limited circumstances as defined by Section 4.c. of this document.

4. Public Comments

- a. City social media accounts are intended for public access and comments and considered to be limited forums where the public may comment on content posted by representatives of the City.
- b. All public comments on City social media accounts will be monitored.
- c. City social media account administrators reserve the right to remove public comments if they contain any of the following prohibited content:
 - 1) Vulgar, physically threatening or harassing language.

- 2) Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law.
 - 3) Inappropriate sexual content or similar links.
 - 4) Private or otherwise confidential information.
 - 5) Content that promotes illegal activity or encouragement of actions that may compromise public safety.
 - 6) Content that violates a legal ownership interest of any other party.
 - 7) Comments not topically related to the original article or post.
 - 8) Organized political activity, or comments in support of or opposition to political candidates, campaigns or ballot measures.
 - 9) Promoting or advertising a commercial transaction, organization or event that is not sponsored or in direct relationship with the City.
 - 10) Information that may compromise safety or security of the public or public systems.
- d. All questions or other requests from news media should be directed to the Public Information Officer.
 - e. In the case of identical or similar posts on a topic, the first submission will be used.
 - f. Anonymous postings are prohibited. Commenters should use their full names when applicable and may be contacted to verify authenticity.
 - g. Communications made from any social media platform will in no way constitute a legal or official notice or comment to the City or any City official for any purpose. City social media accounts are in no way meant to replace or circumvent existing City processes and procedures. For example, a comment that asks for public records will not be considered an official request unless sent through the proper channels and processes (i.e. by a direct email or website form submission).

5. General Guidelines

- a. Be transparent – Your honesty will be quickly noticed in the social media environment. If you are blogging about your work, use your real name and identify that you work for (or on behalf of) the City of Leander. And be clear about your role. If you have a vested interest in something, be the first to point it out.
- b. Be judicious – Make sure your efforts to be transparent do not violate any applicable legal guidelines for external communication. Get permission to publish or report on conversations that are meant to be private or internal to the City or any other public entities. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully. Also, be aware that the social media account and anything published on that social media account may be subject to the Public Information Act.
- c. Be knowledgeable – Write in first-person and make sure to stick to your areas of expertise, especially related to the City and your assignments. If you are writing about a topic that the City is involved with, but you are not an expert on the topic, you should make this clear to your readers. If you publish to a website outside of the City, please use a disclaimer such as: “The comments on this site are my own and do not

necessarily represent City of Leander statements or opinions.” If you have any questions about complying with brand, trademark, copyright, fair use, confidentiality, or financial disclosure laws, see a City legal representative.

- d. Be perceptive – In online social networks, the lines between public and private, personal and professional are often blurred. By identifying yourself as an official of the City, you are creating perceptions about your expertise and the City. Be sure that all content associated with you is consistent with your work and with the City’s values and professional standards.
- e. Be conversational – Talk to your readers like you would talk to people in professional situations. Avoid overly “composed” language. Bring in your own personality and say what is on your mind. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allow your content to be shared.
- f. Be excited – The City is making important contributions to the community, state and nation, as well as to public dialogue on a broad range of issues. Our activities are focused on providing services and innovation that benefits citizens and stakeholders. Share what Leander is learning and doing, and open up social media channels to learn from others.
- g. Be valuable – There is a lot of written content in the social media environment. The best way to reach an audience is to write about things that they value. Social communication from the City should help citizens, partners and families. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand the City better, then it is adding value.
- h. Be responsible – What you write is ultimately your responsibility. Pause. If you are about to publish something that makes you even the slightest bit uncomfortable, do not publish. Take a minute to review these guidelines and determine what is bothering you, and then fix it. If you are still unsure, you might want to check with a City public information officer, department head or legal representative. Ultimately, what you publish is yours, but so is the responsibility and potential consequence.
- i. Mistakes happen – If you make a mistake, admit it. Be upfront and quick with your correction. If you are posting to a blog, you could choose to modify an earlier post. Make it clear that you have done so.

6. Records Retention

- a. City social media accounts may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media account may be considered a record.
- b. Social media content administered by City employees and intended for public access and comments will follow a minimum retention period of two years, as established by the Texas State Library and Archives Commission.

- c. When applicable, the City will use a software-assisted social media capture tool to obtain and archive an authentic copy of monitored content.

7. Definitions

For the purposes of this policy, unless otherwise stated, the following definitions apply:

- a. Comment – a message posted by site visitors, either in response to an existing topic or introducing a new topic. In general, the content of comments is controlled solely by the user, but often can be deleted, accepted or rejected prior to publishing by the site or page administrator.
- b. Connections – Any deliberate links between a user and a social media channel or page, whether it is initiated by the individual or by the site moderator. Terms used by various sites to describe a connection include friend, fan, follower or subscriber.
- c. Employee – Any individual who performs services for the City of Leander. This may include, but is not limited to, full- or part-time staff, interns, [REDACTED]
[REDACTED]
- d. Limited forum – a public forum created by the government voluntarily for expressive activity that may be restricted as to subject matter or class of speaker. Forum restrictions must be able to withstand strict judicial scrutiny of its effect on First Amendment rights.
- e. Post – In relation to social media accounts or online activity, anything published in an online forum or social media account.
- f. Social media – Internet based third-party platforms that facilitate interaction and engagement among individuals in a network or virtual community. Social media offers a participatory environment and includes user-generated content such as videos, photos, videos, blogs, and wikis.

8. Violation of Policy

- a. The City of Leander reserves the right to restrict or remove any content deemed in violation of the terms of this policy.
- b. Any content removed based on these guidelines will attempt to be retained, including the time, date and identity of content and authors when possible.
- c. Employees determined to have violated these terms of use may be subject to corrective action **up to and including termination.**

9. Policy Updates

The City of Leander reserves the right to update these terms of use at any time.

Exhibit A

City Social Media Accounts

Facebook

Facebook is a social networking website that is privately owned and managed. Permitted users age 13 or older can add friends, send direct messages, join closed or open groups, author posts, and comment on posts shared by other users. City accounts on Facebook include:

<u>Page</u> (https://facebook.com/...)	<u>Author</u>
CityofLeander	PIO
leandertxpd	Police Department
LeanderFire	Fire Department
LeanderParksandRecreation	Parks and Recreation Department
leanderlibrary	Leander Public Library

Purpose – The City’s presence on Facebook helps build a strong social connection with citizens by promoting city activities and allowing comments on community issues.

Twitter

Twitter is a free social networking and microblogging service that enables its users to send and read messages (tweets) in the platform. All users can send and receive tweets via the Twitter website, Short Message Service (SMS) or external applications, and senders can restrict delivery of tweets to certain followers. City accounts on Twitter include:

<u>Page</u> (https://twitter.com/...)	<u>Author</u>
CityofLeander	Public Information Officer
Leander_Police	Police Department staff
Leander_Fire	Fire Department staff
LeanderPARD	Parks and Recreation Department staff

Purpose – Twitter provides an opportunity for direct and immediate two-way communication with citizens, which helps encourage public interaction (media inquiries via twitter should be directed to the Public Information Officer). Twitter is governed by its own privacy policy and terms of service.

Other Accounts

City employees manage other social media content used to share or maintain other types of media like videos and photos, or to respond to specific geographic sectors of the community. Other City accounts on social media include:

<u>Account</u>	<u>Page</u>	<u>Author</u>	<u>Uses</u>
Flickr	https://www.flickr.com/photos/leandertx/	PIO	shared photos
Instagram	https://www.instagram.com/cityofleander	PIO	shared photos
Nextdoor	https://nextdoor.com/pages/city-of-leander-1	PIO	geo-targeted messages
YouTube	http://bit.ly/2ytfp2Y	PIO	shared videos

Purpose – These accounts are used in conjunction with Facebook, Twitter and the City website to incorporate multimedia applications, as well as implement geo-targeted messages to certain community areas or neighborhoods.