

Town of Leyden Social Media Policy

(Approved by Select Board October 16, 2023)

Purpose.

The Leyden Social Media Policy seeks to encourage communication, transparency, and community dialogue, while safeguarding the rights of individuals and complying with legal requirements for open meetings, records retention, and free speech.

Engagement in social media by public officials as private citizens.

Public officials, whether elected or appointed, paid or unpaid, must comply with certain requirements:

- Any post within the scope of official duties is an official act, subject to the same scrutiny as if made from an official town account. This includes posts someone might reasonably believe are official statements, speaking on behalf of the town.
- Town officials are prohibited from posts that constitutes harassment or that discriminate against individuals from protected classes, even in private forums on private matters.
- All public officials are strongly cautioned from posting in private forums anything which might appear as a appearance of Conflict of Interest with official duties.
- All Open Meeting Law restrictions regarding deliberation apply to public officials in private social media settings.

Official vs. Unofficial Leyden-Related Social Media Accounts.

Any account that does not meet the standards set out below as determined by Select Board approval must be clearly marked as an Unofficial site. Should the Select Board upon advice of legal counsel determine that a site is a *de facto* official site regardless of self-designation otherwise, the Select Board may require compliance with this policy.

Please note: social media is rapidly evolving and existing Leyden-related social media sites have demonstrated success in meeting the goals of this policy. Should a host of an existing or proposed site believe that this policy needs adjustment, the Select Board welcomes feedback.

Requirements for Official Social Media Sites for Town of Leyden.

- Sites must be public, not private.
- Official sites should link to Town of Leyden website. The Select Board encourages use of the Town of Leyden seal on official sites.
- Sites must conform with the social media platform's Terms of Use.
- Sites must clearly post Unacceptable Use standards (see below), including the process for identifying, archiving, and removing content deemed unacceptable, and moderator intention to apply the policy uniformly. Terms of use must be applied to criticism as it would be for praise.
- Any comment edited or removed, before or after posting, must be archived. Archiving through screenshots, archival tools, downloads or some other means is acceptable, and will be subject to the approval process by the Select Board. Archive is subject to records retention requirements and must be organized and available to respond easily to records requests.

- If user posts are public before moderation, attentive moderation is required to minimize harm from posts violating terms of use. The Select Board will seek assurances that posts violating terms of use will be moderated expeditiously. For example, a backup moderator should be designated with site credentials in the event the primary moderator is not available.
- If the site is set up to require all posts be moderated before public display, the same documentation requirements apply for removal or blocking of content prior to posting.
- Site moderators and town officials who post should provide information within the bounds of their official capacities. This is especially true when responding to emotionally-charged or critical comments. Best practices for municipal sites encourage moderators to avoid back and forth exchanges.
- Moderators must have operational familiarity with Open Meeting law, Public Records law, and interpretations of the recent Supreme Judicial Court ruling on protected public speech. See Select Board for resources.
- Administrative passwords for sites must comply with Leyden secure password policy and be official Leyden accounts, not personal accounts.

Unacceptable use—must be enforced consistently.

All content deemed unacceptable and that is hidden, removed, or blocked by moderator before posting must be archived as described above. The following standards, applied consistently, would be considered unacceptable use:

- Off-topic posts (which would include spam or scams);
- Fighting words or true threats;
- Threats to commit a crime;
- Harassment, or discrimination on the basis of race, national origin, religion, age, gender, sexual orientation, or any other protected class;
- Willful and malicious pattern of conduct directed at a specific person;
- Encouragement of illegal activity

Engage as appropriate with the Bernardston Police, Leyden Select Board, or town counsel (by way of the Select Board) regarding posts suggesting a propensity toward violence; harassment based on protected class status; or escalating rhetoric, especially when accompanied by a history of instability or access to weapons. Similarly, seek help in advocating for an employee or citizen who feels threatened or harassed by posts. If you're not sure a crime was committed, ask.