



CITY OF GREEN BAY PERSONNEL POLICY

Policy Title Social Media Policy	Policy Reference Chapter 24
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24.1 **PURPOSE.** The City of Green Bay recognizes the fast-changing landscape of the internet and the evolving role of technology in the workplace, including social media technologies. Where appropriate, the use of social media technologies in work-related activities, events, and announcements is encouraged to enhance customer service, increase citizen involvement, and further communication efforts of the City.

However, the City has an overriding interest and expectation in deciding what is “spoken” or communicated on behalf of the City through the use of social media. The purpose of this Policy is to establish guidelines for the creation and use of social media on behalf of the City for conveying information about the City and its events and activities. This Policy also establishes guidance for employees acting in a personal capacity when using social media.

Other laws, ordinances and policies may also apply to the use of social media and this Policy should not be interpreted to conflict with any of those laws, ordinances and policies, including requirements under the Americans with Disabilities Act. Nothing in this Policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law.

24.2 **DEFINITIONS.**

24.2.1 **Authorized User:** Employees or officers of the City authorized to monitor, manage, supervise, or control a City social media account as provided in this Policy.

24.2.2 **City social media accounts:** Those pages, sections, or posting locations in social media websites established, managed, or maintained by an employee or officer of the City authorized to do so as part of their duties.

24.2.3 **Content:** Any posts, writings, material, documents, photographs, graphics, or other information that is created, posted, shared, distributed, or transmitted via social media.

24.2.4 **Social media:** The various activities that integrate technology, social interaction,

and content creation. Through social media, individuals or groups may create, organize, edit, comment on, combine, and share content. Social media providers offer web pages that provide a means for various forms of discussion and information-sharing and include features such as social networks, blogs, video sharing, podcasts, wikis, message boards, and news media comment sharing/blogging. Social media providers are hosted by websites that authorize multiple users to establish, post content on, and operate their own individual social media profile. Technologies associated with social media often include picture and video sharing, wall postings, instant messaging, and music sharing. Examples of websites that host social media profiles include, but are not limited to, Facebook, Instagram, YouTube, and Twitter.

24.2.5 Social media account: Any account established on social media.

- 24.3 CITY WEBSITE. The City's official website (www.greenbaywi.gov) will remain the City's primary and predominant internet presence. Whenever reasonable, content posted to a City social media account should also be available on the City's official website, and should contain links directing users back to the City's official website for in-depth information, forms, documents, and online services necessary to conduct business with the City.
- 24.4 COMPLIANCE WITH LAWS AND CITY POLICIES. All City social media accounts shall be operated in conformance and be consistent with applicable state, federal, and local laws, regulations, and policies including all information technology security policies. Additionally, all City-related communication through social media must be conducted in accordance with the City's *Electronic Communication and Information Systems Usage Policy*, *Harassment and Discrimination in the Work Place Policy* and/or other applicable policies.
- 24.5 OPEN MEETINGS LAW COMPLIANCE. All conduct by those persons serving on a governmental body, or subcommittee of a governmental body, must comply with Wisconsin's open meetings laws, including avoiding virtual or walking quorums. All such persons should therefore refrain from discussing business or action of the governmental body with one another while using social media. Additionally, Authorized Users publishing on the City's social media accounts should not engage or "tag" anyone serving on a governmental body when engaging in the City's social media activity.
- 24.6 OPEN RECORDS AND RECORDS RETENTION. City social media accounts are subject to public records laws. Any content in a social media format related to City business, including list(s) of subscribers and posted communication(s), constitutes a public record. City social media accounts shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- Additionally, Wisconsin state law and applicable City records retention schedules apply to social media formats and their content. The City will archive content in accordance with the public records laws. Any content that is removed may also be considered "public records" and will be archived as required by law to the extent possible using then-current reasonable options.
- 24.7 SOCIAL MEDIA PROVIDER TERMS OF SERVICE. Each social media provider maintains a term of use agreement for users. All posts and comments on any City social media profile

are bound by these terms and conditions. The City reserves the right to report any user violation under the terms and conditions. This Policy does not modify the terms and conditions established by the social media provider. Nor does the City assume any responsibility or liability for decisions made by the social media provider involving the conduct or absence of conduct by the social media provider or by the user.

Authorized Users should be aware of the terms of service and/or use for the particular form of social media used, and should consult the most current versions in order to avoid violations. If the terms of service and/or use contradict any City policy, Management and/or Human Resources will determine whether continued use of that form of social media is appropriate.

24.8 ADMINISTRATION OF CITY SOCIAL MEDIA ACCOUNTS. Each Department Director is responsible for implementing and complying with this Policy, and for designating the Authorized User(s) for their department. The Director of Information Technology Services (ITS) is responsible for maintaining a list of social media profiles, including login and password information, approved for use by departments and employees for communicating City business. Each Department Director shall inform the Director of ITS of any administrative changes to existing social media accounts for said department.

24.9 CREATION AND CONTROL OF CITY SOCIAL MEDIA ACCOUNTS.

24.9.1 New accounts. Any social media account created or maintained for the City must be capable of editing, removing, and archiving content. All proposals for new City social media accounts are subject to review and approval by the appropriate Department Director and the Director of ITS. Such proposals shall include a list of proposed Authorized Users.

- a. Upon creation of a new social media account, the Department Director shall provide the account username and password to the Director of ITS. Updated credentials shall be provided to the Director of ITS any time such information is modified.
- b. All City social media profiles, including any login information and passwords, are the sole property of the City and not the property of an employee or other party.
- c. There is no reasonable expectation of privacy associated with the administration of a City social media account established under this Policy.

24.9.2 Authorized Users. Department Directors may authorize certain individuals to access and maintain certain City social media accounts. Only such Authorized Users may create, post, or modify content on an authorized City social media account on behalf of the City. Department Directors are responsible for ensuring that the Authorized Users for their accounts complete and sign an Authorized User Agreement Form, attached to this Policy as Exhibit A, which the Directors shall submit to the Human Resources Department.

Authorized Users posting to social media accounts on behalf of the City may not post content to City social media accounts or engage in social networking activities related to publishing the City's business during personal time. All social media

activity on behalf of the City must be conducted as part of the employee’s regular work activity.

24.9.3 Required content. All City social media accounts must clearly indicate that the account is maintained by the City and must have appropriate City contact information prominently displayed. Each City social media account shall include a statement that clearly specifies the intent, purpose, and subject matter of the social media site, as well as any other required disclosures described in this Policy, such as forum designation. A link to the City’s website (www.greenbaywi.gov) should accompany the purpose statement. All City social media accounts shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. All City social media accounts designated as limited public forums shall include the “Required Notice and Use Policy” attached to this Policy as Exhibit B.

24.10 CONDUCT ON CITY SOCIAL MEDIA SITES. Authorized Users representing the City on social media must conduct themselves at all times as professional and dignified representatives of the City and in accordance with all policies, directives, and professional expectations.

24.10.1 Forum designation. City social media accounts are not intended to operate as traditional open public forums. When the City opens the account for public comment it does not intend to open the site for any and all purposes but to open the site for limited discussion of only those topics specified by the City on that site. In some instances, sites may be non-public forums—that is, not open to public comment at all—and in other instances, sites may be designated limited public forums and their purpose is only to advance the business purposes of the City on those specific topics.

Each City social media account must contain a statement clearly articulating whether the site accepts comments and, if so, any restrictions that might affect the nature of the forum as either limited or traditional. When the City social media account has not been opened as a traditional public forum, or where the account has been opened as a “non-public” or “limited public” forum, the Director of ITS is authorized to remove unapproved content or links posted on the City social media account at issue that do not conform with the requirements of this Policy. Such removal must be done in a viewpoint neutral manner.

Where comments are solicited or invited on City social media accounts, the Terms of Use policy at the end of this Policy must be included.

24.10.2 Standards. The following general standards apply to all City social media accounts, including departmental, committee, board, agency, or commission sites:

- a. Communications must be consistent with the goals, branding, mission, vision, and values of the City.
- b. Communications must be factual and accurate and not reflect opinions or biases.
- c. Communicate meaningful, respectful entries that are on topic while also recognizing that postings are widely accessible and not easily retractable.

- d. Communications must be written in plain business English with proper grammar and vocabulary and should avoid acronyms and jargon.
- e. Communications must comply with policy, directives, professional expectations, and respect for privacy, confidentiality, and applicable legal guidelines for external communication.
- f. Ensure that legal right exists to publish all materials, including photos and articles, and comply with all trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws.
- g. If identifying yourself, maintain transparency by using your real name and job title, and be clear about your role regarding the subject. Write and post only about your area of expertise. Remember that your postings are your responsibility.
- h. Communications must never be for political purposes or in support of or opposition to political campaigns or ballot measures.
- i. Communications must never be for purposes of private business activity or commerce, or for personal motivation or sharing of personal opinion or commentary.
- j. Communications must not promote, foster, or perpetuate discrimination, harassment, or retaliation on the basis of sex, race, religion, creed, color, age, religion, gender, marital status, familial status, national origin, ancestry, disability, sexual orientation, gender identity, or other protected status.
- k. Communications must not compromise the safety or security of the public, public systems, or public services.

24.10.3 Content of posts and comments. An important part of social media use is restraint. While the City desires to inform the community of City business, the City is not entering into a debate or discourse with those reading the social media profile. As such, commenting on, “liking,” or otherwise reacting to a post or comment by any other person is not permitted except in the following limited circumstances, and the employee’s name and title should be included in the responsive comment:

- a. An Authorized User may provide a brief, factual response to answer a question posed in a post or comment. If a question requires an explanation or detailed answer, the employee should instead provide contact information and direct the commenter to seek additional information through that channel.
- b. An Authorized User may respond to a comment when the employee is providing contact information to the commenter to seek or provide further information.
- c. An Authorized User may respond to a comment or post to direct the poster to the City’s website or to a previous social media post by the City.

24.10.4 Original content restriction. If content from a social media platform cannot be

archived via the software the City uses to archive social media content, no original content may be posted to any City social media account on that platform. City accounts on such platforms must only contain content shared from other City social media accounts that are capable of being archived by the Department of ITS.

24.11 REPORTING/REMOVAL OF SOCIAL MEDIA ACTIVITY ON CITY SITES. A post, like, or comment by a member of the public on any City social media account is the opinion of the commentator or poster only. Publication of a user’s post, like, or a comment does not imply endorsement of, or agreement by, the City, nor reflect the opinions or policies of the City. The City assumes no liability for any comment, like, or post made by another person. Posts, likes, and comments which do not violate this Policy may not be removed from any City social media account. In the event a post, like, or comment is in violation of this policy, the following process shall apply.

24.11.1 Grounds. If the comment or post at issue contains any of the following content, the comment may be subject to removal or restriction by the City:

- a. Obscene Content,
- b. Content that is threatening or incites violence;
- c. Solicitation of commerce, including, but not limited to, advertising of any non-City-related event, or business or product for sale;
- d. Conduct in violation of any federal, state, or local law;
- e. Content that promotes, fosters, or perpetuates unlawful activity;
- f. Content that infringes the intellectual property rights of others;
- g. Content that is malicious or harmful software or malware.

24.11.2 Process. In the event an Authorized User suspects that posted material may violate this policy, violate the terms of use of the social media provider, is illegal, or potentially infringes the copyrights or other rights of any person(s), the Authorized User shall not alter or remove the content, but instead shall immediately notify the Director of ITS. The Director will investigate the potential violation and, if grounds to do so exist, shall take action on the content, which may include permanent removal. *Before* taking any action on the posted material, the Director of ITS should confer with the City Law Department for assistance in determining whether the material is subject to removal. When such content is removed, the Director of ITS shall attempt to contact the person promptly to notify them of the removal action. The person may appeal the decision under Subsection D. Notice is not required when content is removed because it is a potential security breach or may contain a virus.

24.11.3 Access. No Authorized User should “block” or otherwise deny access to any City social media site to any individual who violates the City’s social media policy. The social media provider may, relying on their terms and conditions and their discretion, block a user or remove content in violation of those terms and conditions, and nothing herein restrains the social media provider from such

actions.

24.11.4 Appeal. When the Director of ITS has removed a post or comment, anyone aggrieved may seek to have the Director reconsider the removal decision by providing the Director with a written request stating the reason(s) why the comment(s) do not fall within the limitations established in this Policy or offering other bases establishing a right to publish the comments or other communications on the City social media account. The Director of ITS must render a written decision on the request within two business days of receipt. The decision of the Director of ITS shall be the final administrative decision of the City.

- a. The appeal rights in this section do not apply to employees when they are acting in an official capacity or as a representative of the City. Such rights may only apply when an employee is acting in their personal capacity as a private party and when exercising rights accorded a person under the Constitution and laws of the United States. Any employee who feels aggrieved by an action under this Policy that is not covered by this section should seek review through established grievance procedures, if applicable, or through their chain of command.

24.12 CONDUCT ON PERSONAL SOCIAL MEDIA SITES. Employees may use social media profiles not belonging to the City for their personal social media purposes; however, an employee's personal social media profile or use must remain personal in nature and must not be used to share the City's official government positions or views. Employees must recognize that most uses of personal social media are still part of the public domain regardless of privacy settings, and are easily replicated and published. Regardless of whether an employee identifies on a personal social media account that they work for the City, employment with the City is public record and members of the public may associate the employee with the City. Employees must therefore exercise care when posting and commenting on social media as personal views can be tied back to employment with the City. Personal activity is the personal responsibility of the employee, including the consequences that flow from such activity. In recognition of these principles, employees must comply with the requirements of this section when using their personal social media sites.

24.12.1 Disclaimer. If commenting on City business on social media in a personal capacity, an employee must use a disclaimer that establishes that their comments represent their own opinions and do not represent those of the City. Said disclaimer must also be used when the person can be identified as a City employee as a result of their identification, posts, or other information on the social media account. Whenever doubt exists or is likely to arise regarding the personal nature of social media activities, an employee must include a disclaimer clarifying that the social media communications reflect only the employee's personal views and do not necessarily represent the views of the City or the employee's department/board/agency/etc. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion that may arise.

- a. Employees are not required to include a disclaimer with their social media communications when such communications are made on a platform

dedicated to networking and/or job searching, such as LinkedIn, for the purpose of recruitment to City employment.

- b. Sharing social media communications from official City accounts without additional commentary is always permitted as a public service announcement, and does not require a disclaimer.

24.12.2 Guidelines for personal use of social media. The City respects its employees' private rights to post and maintain personal websites, blogs, and social media pages, and to use and enjoy social media on their own personal devices during non-work hours. The following guidelines apply to personal communications using various forms of social media:

- a. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City employee, the employee must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This Section and its limitations apply when the action of the employee adversely affects the employee's work, job duties, or ability to function in the Employee's position or creates a hostile work environment.
- b. Employees should never use their City email account, login, or passwords in connection with a personal social media profile.
- c. Employees and others affiliated with the City must not use any City brand, logo, or other City identifiers on their personal social media accounts, nor post information that purports to be the position of the City without prior authorization or unless authorized by federal, state, or local law.
- d. Employees are discouraged from identifying themselves as City employees when responding to or commenting on social media sites with personal opinions or views. Employees must not use their City titles when engaging in personal use of social media, and must use the disclaimer described in Section A. when posting or commenting on a matter related to City business.
- e. Incidental and occasional access to personal social media accounts during work hours may be permitted, but employees must adhere to the guidelines outlined in the Electronic Communication and Information Systems Usage Policy.

24.12.3 Potential coaching or discipline. There may be times when personal use of social media in violation of this Policy, even if it occurs while the employee is off-duty and on their own equipment, may subject an employee to coaching or discipline as described in Section XIII.

24.13 VIOLATIONS BY EMPLOYEES. Use of social media may affect or impact the workplace. Examples of situations where this might occur include, but are not limited to:

- a. Friendships, dating, or romance between co-workers;

- b. Cyber-bullying, stalking, or harassment;
- c. Release of confidential or private data;
- d. Unlawful activities;
- e. Misuse of City-owned social media;
- f. Inappropriate use of the City's name or logo, or the employee's position or title;
- g. Using City-owned equipment or City time for extensive personal social media use;
- h. Violation of federal, state, or local law, or of City policy.

Failure to comply with this Policy is considered misconduct and may result in employee coaching or disciplinary action up to and including termination. Unlawful social media use, based on the level of offense, may result in referral for criminal prosecution.

Each situation will be evaluated on a case-by-case basis because the laws in this area are evolving. Employees are encouraged to discuss types of activities that might result in discipline with the Human Resources Department.

Nothing in this Policy is meant to prevent an employee from exercising his or her right to make a complaint of unlawful discrimination or other workplace misconduct through the proper processes, to engage in lawful protected concerted activity, or to express a personal opinion on a matter of public concern which may be balanced against the interests of the City.

24.14 **REPORTING REQUIRED.** The City is not imputed with knowledge of any activity on any personal social media accounts of employees or elected officials, or any other social media accounts other than official City accounts. Employees have a duty to notify their supervisors of any violations of this Policy, as City staff is only able to address those violations of which they have been made aware. Additionally, any violation of this Policy occurring during an individual's term of employment may lead to discipline regardless of the amount of time that has passed since the violation has occurred, provided that management had no previous knowledge of the violation prior to it being reported.

24.15 **GUIDANCE FOR ELECTED OFFICIALS USING SOCIAL MEDIA.** Accounts of elected officials are official City social media accounts for purposes of the First Amendment, open records and open meetings laws, records retention, etc. The official accounts of the Mayor, Municipal Judge, and Alderpersons are considered City accounts because they are likely to be used for the purpose of conveying information about City business to the public and are likely to contain content directly tying the account to the City government, such as the official's title, link(s) to the City website, government contact information, posts related to what's happening in the City or on Council, dates of City events, etc.

24.15.1 **Rules.** Elected officials should adopt rules for posting on their pages and ensure that those rules are readily visible to every visitor to the page. Such rules must be in accordance with City policies and First Amendment requirements. Elected officials should consult with the City Law Department to ensure their rules conform to current applicable law.

24.15.2 Access. No elected official should “block” or otherwise deny any individual access to any social media site(s) determined to constitute government-sponsored speech. A social media provider may, relying on its own terms and conditions and its discretion, block a user or remove content in violation of those terms and conditions, and nothing herein restrains the social media provider from such actions.

24.15.3 Removing content. If an elected official allows the public to comment on their social media account, the official has created an open public forum for purposes of the First Amendment. Posts or comments on an elected official’s social media account may be subject to removal by the official if they contain any of the content specified in Section XI.A. of this Policy. *Before* taking any action on the material in question, the elected official shall confer with the City Law Department for assistance in determining whether the material is subject to removal. The elected official shall attempt to contact the person promptly to notify them of the removal action. Notice is not required when content is removed because it is a potential security breach or may contain a virus.

- a. Any person aggrieved by the removal of a post or comment to an elected official’s social media account may appeal the decision to the Director of ITS under Subsection XI.D. of this Policy by submitting a written request stating the reason(s) why the content should not be removed. The Director of ITS must render a decision within two business days of receipt. Such decision shall be the final administrative decision of the City.

24.15.4 Open records laws. Public officials’ social media accounts are subject to public records laws. Additionally, officials’ campaign or personal accounts, or individual posts or messages thereon, may be considered government speech that is also subject to public records laws. Officials are expected to retain records as required and produce such records if they are responsive to an open records request.

24.15.5 Records Retention. Elected officials’ social media accounts and posts are subject to records retention requirements established by state law and the City’s records retention schedule. Records of all elected officials’ social media accounts shall be retained via software designed for the purpose of archiving social media content, as chosen by the Director of ITS. All officials are responsible for retaining records of their campaign or personal social media accounts.

24.15.6 Other social media accounts. Other social media pages maintained by elected officials, such as campaign pages or even personal pages, may also be considered City pages if the owner of the page is determined to be a “state actor.” That determination is based on the totality of the circumstances, by examining things such as whether the stated purpose of the account is private or public; whether the official uses government resources to maintain the page; whether the page contains the official’s title, government contact information, and information about issues or events occurring in the City; and similar considerations.

To avoid having a personal account designated as a City social media account, the elected official should follow the guidelines for employee conduct on personal

social media sites as outlined in Section XII. of this Policy. Importantly, the official should avoid discussing City business on their personal account.

- 24.15.7 Consult the Law Department. Social media law is evolving as more and more court cases are decided. Elected officials should reach out to the City Law Department regularly to ensure they are complying with the most up-to-date standards and for answers to any questions they may have.
- 24.16 SEVERABILITY AND SAVINGS. If any part or provision of this Policy or the application to any person or circumstance is held invalid or unconstitutional, such declaration shall not affect other parts or provisions or application of this Policy which can be given effect without the invalid or unconstitutional part or provision or application and are therefore deemed severable.
- 24.17 REVIEW AND REVISION. The City reserves the right to rescind and/or amend this and all City policies at any time.