



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution Attachment
Resolution No. 19-R-219

REGULAR MEETING

November 18, 2019

RESOLUTION ESTABLISHING SOCIAL MEDIA POLICY

WHEREAS, the Township Council of the Township of Mount Laurel desires to adopt a social media policy to establish enforceable rules and guidelines that must be adhered to by those people provided access to the Mount Laurel Township social media platforms such as Facebook, YouTube and Twitter, and any other communication media that disseminates information to the public; and

WHEREAS, the Council believes the social media policy is necessary to expand and facilitate the dissemination of information from the Township to its residents and the general public, while at the same time assuring that communications made on behalf of the Township are properly authorized and in correct form; and

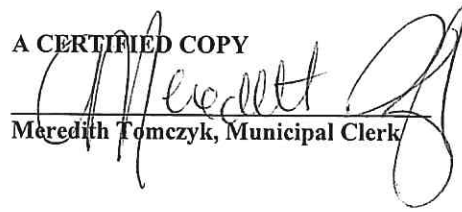
WHEREAS, the Council recognizes First Amendment Rights available to both elected and appointed officials and employees, and wishes to strike a balance between an individual's First Amendment rights to freedom of speech, and the governmental and business interests of the Township to ensure that information disseminated to the public under the guise of "municipal information" is, if not accurate, then at least fully discloses that the content is the work of the author, and does not reflect official municipal policy; and

WHEREAS, given today's use of social media sites for government purposes, it is in the best interest of the Township that the Social Media Policy, attached hereto and made a part hereof be adopted.

NOW, THEREFORE, BE IT RESOLVED on this 18th day of November, 2019, by the Township Council of the Township of Mount Laurel, County of Burlington and State of New Jersey, that the Social Media Policy is hereby adopted.

This resolution was adopted at a meeting of the Township Council held on November 18, 2019 and shall take effect immediately.

A CERTIFIED COPY


Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo	7	✓				Tarver
Edelson		✓				Brett
Folcher		✓				Ashtell
Pritchett		✓				
Steglik		✓				

MOUNT LAUREL TOWNSHIP

Social Media Policy

Purpose: Mount Laurel Township (the “Township”) recognizes that its officials, volunteers and employees may use social media, on their own time, and utilizing their own devices, for a variety of reasons, including socialization, business networking, and for public, political and/or civic engagement. However, the Township also realizes that the improper use of social media can be detrimental to the Township and the public it serves. For example, social media can be used to unlawfully harass, bully, or intimidate employees or residents. Further, in some instances, where the use of social media is subject to the Open Public Records Act and/or violates the Open Public Meetings Act, violations can prove costly to the Township. The Township is mindful of how comments attributable to volunteers, employees or officials can be used in legal proceedings against the Township. In New Jersey, e-mails, messages, and posts from private social media accounts have been found to be discoverable evidence and been used against public agencies in litigation. Incidents like these can be costly to the Township and with care, they are easily avoidable.

While employees, volunteers and elected officials are free to curate personal social media pages as one sees fit, including blocking users from interacting with you and deleting less-than-flattering comments, the same rules do not apply for government pages or the pages of government officials. The Township or its officials, create liability for the Township when they block users or delete comments from their government-based social media pages.

A personal social media page broadcasting public messages could be classified as an official page or government-based social media page creating record retention and other issues demanded of public agencies. Recent court decisions have required that a public official identify individuals that the official blocked from the official’s personal page because that individual used the personal page as a social platform for public business.

Scope: This Policy applies to all forms of social media/social networking, existing now or developed in the future, including, but not limited to: social networking sites (e.g., Facebook, Myspace, Instagram, LinkedIn); microblogs (e.g., Twitter, Tumblr); message and bulletin boards; chat rooms; electronic newsletters; blogs and other online journals, forums or diaries; wikis; video or photo sharing sites (e.g., YouTube, Flickr, Photobucket) and other sites and services that permit users to share information with others in a contemporaneous manner. This policy shall apply to all employees, volunteers and elected officials serving the Township as well as any affiliated government or non-government agency or official permitted by the Township to post on Township social media platforms. This policy also covers actions by employees, volunteers, and elected officials that use a personal social media platform as a means of conveying Township-related information to residents, volunteers and visitors.

MOUNT LAUREL TOWNSHIP

Definitions:

Social Media:	A category of cloud or internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, LinkedIn, etc.), micro-blogging sites (Twitter, Nixle, etc.), photo and video-sharing sites, (Instagram, Snapchat, Youtube, etc.), blogs, and similar sites or applications.
Social Networks:	Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
Blog:	A self-published online diary or commentary that may allow visitors to post responses, reactions, or comments.
Post:	The content an individual shares on a social media site or the act of publishing content on the site.

Guidelines

1. Except in the performance of an authorized duty, employees are prohibited from posting, transmitting, and/or disseminating any pictures, videos, audio recordings, or content on any personal website, social media website, or networking website while on duty.
2. Nothing herein shall prevent an elected official, volunteer or employee from forwarding, re-posting or sharing materials produced by and appearing on the Township's social media platforms to alternative media platforms not owned or controlled by the Township for the purpose of sharing information and providing greater transparency to government operations. If posted, shared or retransmitted, any comments made by the elected official, volunteer or employee regarding such information must be personal in nature and may not represent the official position of the Township.
3. Except in the performance of an authorized duty, Township officials, both elected and appointed, employees and volunteers, are prohibited from utilizing social media on Township-owned equipment unless authorized by the Township and consistent with the Township's Social Media Policy. The Township prohibits the use of Township e-mail addresses to register on social media websites, blogs, or other online tools for personal use.
4. Township officials are prohibited from revealing or publicizing confidential information, or any information not deemed public under the Open Public Records Act. Information is confidential if its revelation would violate any federal, state, or local law or would expose the Township to legal liability, impact the ability to fairly negotiate or reveal information not yet available to the public. Examples of confidential information include: human resources information regarding Township volunteers, employees or officials, including the progress or results of investigations, information

MOUNT LAUREL TOWNSHIP

related to legal proceedings which are ongoing or sealed by the relevant judge, or sensitive information relating to public safety.

5. Volunteers and employees who identify themselves as, or are widely known to be, Township volunteers, employees or officials shall add a disclaimer to the front page of a private website, or on any post, relating to Township business. The disclaimer should state the content of the website or post does not express the views of the Township, and the volunteer, employee or official is expressing only her/his personal opinion. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of Mount Laurel Township." If in anyway unclear, a volunteer, employee or official should place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Township or the Township's business. Unless authorized by the Township or explicitly stated as part of one's job duties, a volunteer or employee should neither claim, nor imply, that (s)he is speaking on the Township's behalf.
6. Volunteers, employees and officials are responsible for carefully reading the Township's personnel policies to ensure any social media use is in compliance with same. Volunteers, employees and officials are responsible for their social media activities. In the event any personal social media use results in legal action due to defamation, harassment, libel, or retaliation, or any other violation of the law or another's rights, the Township will not indemnify nor hold harmless, any volunteer, employee or official; and may seek contribution and other relief from said volunteer, employee or official of the Township is such and/or found vicariously or otherwise liable.
7. Be respectful. Always be fair and courteous to fellow volunteers, employees, associates, residents, members, vendors, suppliers or people who work on behalf of the Township. Also, keep in mind that you are more likely to resolve Township-related complaints by speaking directly with your colleagues than by posting complaints to a social media outlet.
8. Ensure any social media use respects copyright, privacy, and fair use laws.
9. Volunteers, employees and officials should refrain from posting any photograph containing the Township's logo, including photographs of members wearing Township gear, T-shirts or other clothing without the permission of the Township.
10. Volunteers, employees and officials should refrain from posting any photograph containing the Township's equipment or vehicles without the permission of the Township.
11. In addition to following other policies and examples, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage residents, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might

MOUNT LAUREL TOWNSHIP

include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of protected class status or association with a member of a protected class.

12. Always be honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Township, fellow employees or people working on behalf of Township.
13. The use of all Township computer resources is for the express purpose of carrying out the business of the Township. Employees' use of the Township's electronic communications systems and equipment are to be for business-related purposes.
14. Employees may not engage in any social media during shift hours, whether using the Township's Internet server or personal devices, unless such social networking is an approved part of an employee's job and the social media is on behalf of the Township. Volunteers and employees may access social media sites from their personal devices during their approved breaks.
15. When using social media on personal time, a volunteer or employee must use his or her personal accounts, such as a personal e-mail address or profile. An elected official, volunteer or employee may not use a Township e-mail address, unless the social networking is an approved part of his or her job and the communication is on behalf of the Township.
16. No elected official, volunteer, or employee shall post internal working documents that are not public records to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Township Council or Township Manager.
17. No Township social media site shall be established without prior approval of the Township Council under the direction of the Township Manager.
18. All Township social media sites shall be administered by the Township's Information Technology ("IT") staff or designated third party provider.
19. The Township social media sites should make clear that they are maintained by the Township and that they follow this Social Media Policy.
20. Wherever possible, the Township social media sites should link back to the official Township website for forms, documents, online services and other information necessary to conduct business with the Township.

MOUNT LAUREL TOWNSHIP

21. The Township social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, including the Open Public Records Act, as well as applicable record retention requirements.
22. Any content maintained in a social media format that is related to the Township's business, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. List of subscribers shall be released according to current law.
23. Volunteers and employees representing the Township's government via its social media sites must conduct themselves at all times as a representative of the Township and in accordance with all its policies.
24. The purpose of the Township's social media platforms is to disseminate information to residents, taxpayers and the general public.
25. The Township's social media sites are not intended for comments that do not relate to the purpose or topic posted. User comments, when permitted, should directly relate to the comments posted or displayed by the Township on the site, and the sites are not meant for comments that do not relate directly to the purpose or topic established by the Township.
26. This Social Media Policy may be revised at any time.
27. These guidelines must be displayed to users or made available by hyperlink. The Mount Laurel Township website at www.mountlaurel.com will remain the primary and official internet presence for information.

Prohibited Content

1. Comments containing any of the follow inappropriate forms of content shall not be permitted on the Township's social media sites and are subject to removal and/or restriction:
 - a. Vulgar, profane, racist, violent or obscene language or rhetoric;
 - b. Defamatory or disparaging content;
 - c. Conduct in violation of any federal, state or local law;
 - d. Sexual content or links to sexual content;
 - e. False, misleading or deceptive information or media;
 - f. Personal attacks or threatening or harassing activity of any kind;
 - g. Spam or links to other sites of any nature;
 - h. Content that constitutes, promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation, or any other classification protected by applicable federal, state, or local law or regulation;

MOUNT LAUREL TOWNSHIP

- i. Content that violates a legal ownership interest, such as copyright;
 - j. Content that will compromise public safety or advocate or encourage illegal activity;
 - k. Commerce solicitation (ads) that promote particular services, commercial transactions, products, or political organization;
 - l. Opposition or promotion of any person campaigning for election to a political office;
 - m. Personally identifiable or protected medical (HIPAA) or personal information such as home addresses, phone numbers, social security numbers or driver's license numbers;
 - n. Information that may compromise the safety, security or proceedings of the public or public systems, or any criminal or civil investigations;
 - o. Comments that do not directly related to the information or comments posted or displayed by Mount Laurel Township on its site(s).
2. The foregoing is an incomplete list and the Township reserves the right to ban or block any user in violation of the above rules.

Reporting Violations of this Policy

3. If an elected official, volunteer or employee becomes aware of a violation of this Policy, he or she should report it to the Township Manager. The Township will not take negative action against any employee for reporting in good faith a possible deviation from this Policy or for cooperating in an investigation.
4. If a volunteer or employee feels he or she is being harassed, discriminated against or retaliated against for reporting a violation of this Policy, he or she should notify the Township Manager.

No Expectation of Privacy

1. Elected officials, volunteers and employees should be aware that, regardless of privacy settings on various social media platforms, social media may not be private. Elected officials, volunteers and employees are reminded that they should have no expectation of privacy when using the Internet, including social networking sites, during work time or when using Township equipment.
2. The Township reserves the right to monitor and review an employee's use of the Township's computer systems when it deems it appropriate to do so, without advance notice.

Adverse Action

1. Management may direct a volunteer or employee to cease using social media during working hours.

MOUNT LAUREL TOWNSHIP

2. Violations of this Policy and/or volunteer or employee misconduct related to the use of social media will be subject to disciplinary action.
3. Volunteers and employers can be held liable for volunteers' or employees' social media use, such as for a defamatory, discriminatory, or harassing social media message, comment, or tweet. Volunteers and employees should not express, communicate or link to comments that are obscene, threatening, pornographic, harassing or defamatory. If the Township determines that an employee's postings have created potential criminal or civil liability for the Township, it reserves the right to demand the posting be removed and to pursue any other applicable legal remedies.

Retaliation

The Township prohibits taking negative action against any person for reporting a possible deviation from this policy, for cooperating in an investigation, or for reporting conduct in violation of the Township's EEOC, Anti-Discrimination, Anti-Harassment, Whistleblower, and Anti-Retaliation and accommodation policies. Any employee who retaliates against a person for reporting the foregoing will be subject to disciplinary action, up to and including termination.

Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether Township equipment or facilities are used for the purpose of committing the breach.

Any volunteer or employee suspected of committing a breach of Policy will be required to cooperate with our investigations, which may involve handing over relevant passwords and login.

The Manager may require the removal of internet postings which are deemed to constitute a breach of Policy, as determined by the Manager, subject to applicable archiving and retention requirements.

Any Township social media site created, administered or maintained by a Township employee or volunteer remains the property of the Township, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the Township, they must relinquish everything related to the site including user names and passwords.

Terms of Use Disclosure (to be posted on all Township Social Media Sites)

A. Information Disclaimer

By visiting this site, you understand and agree that the Mount Laurel government site is provided "AS IS". The Township makes every effort to provide accurate and complete information on this site. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the Township. Portions of the information on this site may be incorrect or not current. The Township, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information,

MOUNT LAUREL TOWNSHIP

including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing or copying of those materials.

B. Linking Policy

Links to External Sites

The Township site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Township. These links are provided solely as a courtesy and convenience to you, the visitor. The Township, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Township, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Township specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Township website or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the Township, its officers, employees or agents.

D. Copyright and Trademark Limitations

The Township makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of Material from this Site

The Township has made the content of these pages available to the public and anyone may view, copy or distribute Township information found here without obligation to the Township for noncommercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.

The design of this site, original graphics, and original content are all copyrighted by the Township and may not be re-engineered, distributed, modified, transmitted, reused, reposted, or duplicated without the express written permission of the Township in each instance. All requests to use any part of the original design, code, graphics or content of this site should be made via e-mail to the Township Manager.

F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any Township website or documents provided therein may result in criminal prosecution.

MOUNT LAUREL TOWNSHIP

I confirm that I have received, read and understand the Township's Social Media Policy.

Name _____
(Please print)

Signature _____

Date _____