

## MRVPD Social Media Policy - DRAFT

April 8, 2020

Mad River Valley Planning District: serving Waitsfield, Fayston & Warren, Vermont

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### Section 1: Title and Authority

This policy shall be known as the Mad River Valley Planning District (MRVPD) Social Media Policy (hereafter “Policy”). It has been adopted by the MRVPD Steering Committee on XX, 2020.

The Steering Committee reserves the right to amend any of the provisions of this Policy for any reason and at any time, with or without notice.

This policy is administered by the Executive Director or their authorized representative or designee.

### Section 2: Purpose.

The purpose of this Policy is to provide standards and procedures for the appropriate use of public MRVPD social media platforms. This Policy gives direction to MRVPD employees and other authorized users of the MRVPD’s electronic/computer resources to access and engage in social media platforms for MRVPD public purposes. This Policy also creates guidelines for any public user who accesses or comments on the MRVPD’s social media platforms.

While this Policy generally applies to the most popular platforms, such as Facebook, YouTube, Instagram, Snapchat, and Twitter, it is acknowledged that social media is an evolving communications tool and that new platforms may become available over time. MRVPD may utilize social media platforms to communicate information related to the business of the Planning District directly to the public as well as to provide members of the public the opportunity to comment on or participate in discussions concerning planning district business, including but not limited to operations and services provided by MRVPD. MRVPD encourages the use of social media to further the goals of the Planning District and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

MRVPD has an overriding interest and expectation in deciding what is published on behalf of the MRVPD through social media and in establishing guidelines for the use of MRVPD social media by MRVPD employees and the public.

### Section 3: Definitions.

The following definitions shall apply to this Policy:

**Comment** means a statement, post, image, remark, or response submitted by a MRVPD official or member of the public to the Planning District’s social media platform(s), including hyperlinks (links) and any medium of content.

**Designated Agent** means an individual designated by the MRVPD Executive Director to receive and respond to notifications of claimed copyright infringement. Once named, MRVPD must file a “designation of agent” form with the United States Copyright Office.

**MRVPD Electronic Equipment** means all MRVPD electronic equipment including computers, cell phones, smart phones, any associated hardware or software, and any other MRVPD equipment that may be utilized to send or receive electronic communications.

**MRVPD Official** means employees of MRVPD, elected or appointed officials, and MRVPD volunteers.

**MRVPD Social Media** or **MRVPD Social Media Platform** means the official social media platform(s) of the MRVPD.

**MRVPD Social Media Moderator** means an individual designated by the Steering Committee to monitor, manage, and oversee MRVPD social media comments and content.

**MRVPD Website** or **Official MRVPD Website** means the official website/domain of the MRVPD, [www.mrvpd.org](http://www.mrvpd.org).

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

**User** means a member of the general public who accesses, comments, or posts content to MRVPD social media platforms.

## Section 4: Conduct of MRVPD Officials

Those designated and authorized to utilize MRVPD social media platforms do so with the understanding that they are representing MRVPD via social media outlets and must conduct themselves at all times as such representatives. MRVPD officials' use of MRVPD social media platforms shall comply with this Policy, the MRVPD's personnel and any other relevant policies, charter provisions, rules, and regulations of MRVPD. This includes any usage of MRVPD social media platforms from outside of the workplace.

Information posted to MRVPD social media platforms is public information, and all comments and posts by MRVPD officials are subject to Vermont's Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, MRVPD charter provisions and regulations. MRVPD officials should have no expectation of privacy regarding the information posted on MRVPD social media platforms nor in anything created, sent or received on MRVPD electronic equipment. MRVPD may monitor any and all transactions, communications and transmissions to ensure compliance with this Policy and to evaluate the use of its equipment.

When conducting MRVPD business, MRVPD officials are expressly prohibited from disclosing any information via comments or posts to MRVPD social media platforms that may be confidential.

MRVPD officials are discouraged from using personal accounts to comment on or post MRVPD information to MRVPD social media platforms, or to post information regarding official MRVPD business on other non-MRVPD social media platforms. However, sharing of MRVPD information onto personal accounts is permissible.

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

The MRVPD Social Media Moderator will monitor the content posted by MRVPD officials and the public on each of the MRVPD's social media platforms to ensure it complies with this Policy for appropriate use, messaging and branding, consistent with the goals of the MRVPD.

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

## Section 5: Designation of Social Media Platforms

For each of MRVPD’s social media platforms, the Steering Committee has identified and designated the type of speech forum, and its purpose and rules, as follows:

### 1. Government Speech Forums.

The following social media platforms are hereby designated as Government Speech Forums:

The official MRVPD website: [mrvpd.org](http://mrvpd.org)

The official MRVPD newsletter

These platforms do not allow for any public comments whatsoever. They are reserved for MRVPD to engage in its own expressive conduct to promote its own message.

### 2. Limited Public Forums.

The following social media platforms are hereby designated as Limited Public Forums:

The official MRVPD Facebook page: [fb.me/mrvpd](https://fb.me/mrvpd)

The official MRVPD Instagram page: @MRVPlanning

The official MRVPD Twitter page: @MRVPlanning

These platforms are places where public comment has been enabled to allow for discussion on specific topics as signified by postings by authorized MRVPD officials or consistent with the purposes of this policy. Submission of comments by members of the public constitutes participation in a limited public forum.

## Section 6: User Comments: Rules and Guidelines

This Section applies to users who access or comment on the MRVPD social media platforms. The rules and guidelines in this Section apply to all MRVPD social media platforms. This section’s provisions governing user comments on MRVPD social media platforms shall be displayed on all MRVPD social media platforms or made available by hyperlink from the MRVPD’s official website. Users shall be informed that agreement to its terms is a prerequisite to participating in the MRVPD’s social media platforms.

On every platform that has been designated in Section 5 of this Policy as a “Limited Public Forum” and is open and active, MRVPD is interested in hearing the opinions of the public. Vigorous, constructive conversations are encouraged within comments, messages, retweets, and other user communications. MRVPD does not discriminate based on viewpoint, but may remove comments

and restrict access to users for violating this Policy. MRVPD reviews comments on all its limited public forum social media platforms.

All users must clearly identify themselves; anonymous posting shall not be allowed. A comment posted by a member of the public on any MRVPD social media platform is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, MRVPD, nor do such comments necessarily reflect the opinions or policies of MRVPD. MRVPD does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, websites, or content linked thereto.

- Comments by authorized MRVPD officials shall be allowed on MRVPD social media platforms only when consistent with the provisions of this policy.
- Comments by the general public shall be allowed on limited public social media platforms only when consistent with the provisions of this policy.
- Comments containing, constituting, or linking to any of the following inappropriate forms of content shall not be permitted on any type of MRVPD social media platform and are subject to editing, removal or restriction, in whole or in part, by the MRVPD Social Media Moderator:
  - Profane, obscene, or sexual language;
  - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
  - Solicitations of commerce, including but not limited to advertising of any business or product for sale;
  - Disruptively repetitive content;
  - Content that is untrue or dishonest;
  - Conduct or encouragement of illegal activity;
  - Information that may tend to compromise the safety or security of the public or public systems;
  - Malicious or harmful software or malware;
  - Defamatory or personal attacks;
  - Threats of violence or to public safety;
  - Confidential, private, or exempt information or records as defined by State law;
  - Conduct that violates any federal, state, or local law;
  - Copyrighted materials in violation of State or federal law; or
  - Comments that are clearly unrelated to the subject matter of any post made on the platform by or on behalf of MRVPD.

MRVPD reserves the right to deny any user who violates this Policy access to posting to MRVPD social media platforms. Users may be temporarily or permanently restricted from accessing MRVPD social media platforms if they violate this Policy. To contest the restriction of access to a social media platform, the user must submit a written statement providing grounds for

reinstatement to the MRVPD 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.

Users may contact the MRVPD Social Media Moderator at any time to identify comments or other conduct on the MRVPD 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 MRVPD social media platform are bound by that platform's applicable statement of rights and responsibilities or terms of service. MRVPD 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 7: Account Management**

MRVPD officials may only establish or use MRVPD social media platforms on behalf of MRVPD after approval by the Executive Director or their authorized representative. The Executive Director or their authorized representative or designee will review all requests by MRVPD officials to contribute to MRVPD social media platforms and has the sole authority to authorize their use and establish and/or terminate MRVPD social media accounts. In this role, the Executive Director or their authorized representative will evaluate all requests for usage, verify staff authorized to use MRVPD social media tools, and confirm completion of online training for social media if deemed necessary. The Executive Director or their authorized representative will also be responsible for maintaining a list of all social media platforms in use, the names of all administrators of these accounts, as well as the associated usernames and active passwords.

All MRVPD social media platforms shall be created with the approval and under the direction of the Executive Director or their authorized representative, and shall be published using approved MRVPD social networking platform and tools.

## **Section 8: MRVPD Social Media Moderator**

The Executive Director or their authorized representative shall designate a MRVPD Social Media Moderator to monitor, manage, and oversee all comments and

content on each social media platform to ensure adherence to this Policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of MRVPD. If a comment or other content is edited or removed by the MRVPD Social Media Moderator, the comment or content must be retained in accordance with the relevant records retention schedule. The edit or removal shall be accompanied by a description of the reason such comment or content was deemed not suitable for posting along with the time, date, and identity of the poster when available.

The MRVPD Social Media Moderator or their authorized representative or designee retains the sole authority to remove information from MRVPD social media outlets. Other authorized MRVPD officials will be responsible for the content and upkeep of any MRVPD social media platforms they may create.

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

All MRVPD social media platforms shall clearly indicate that they are maintained by MRVPD and shall prominently display necessary contact information.

All MRVPD social media platforms shall include the prominent placement of the official MRVPD logo along with the following notification:

*This is the official [insert Facebook, Twitter, YouTube, etc.] platform for the Mad River Valley Planning District, representing the towns of Waitsfield, Fayston and Warren, Vermont. If you are looking for more information about MRVPD please visit the official website: [mrvpd.org](http://mrvpd.org). The purpose of this platform is to provide general public information only. Should you require a response from MRVPD, please visit [mrvpd.org](http://mrvpd.org), if appropriate, or contact MRVPD staff at [office@mrvpd.org](mailto:office@mrvpd.org).*

## **Section 9: Copyright Infringement Notification**

MRVPD 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.

MRVPD respects the intellectual property of others and requests users of the MRVPD social media platforms to do the same. In accordance with the DMCA and other applicable law, MRVPD may remove comments or posts to MRVPD social media platforms that are copyrighted, and to deny access to MRVPD social media platforms users who are deemed to be copyright infringers pursuant to this Policy.

The following notification shall be made accessible on all MRVPD social media platforms and on MRVPD's official website:

*If you believe that any material on MRVPD's official website or MRVPD social media platforms infringes on any copyright which you own or control, or that any link on MRVPD social media platforms 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 MRVPD's Designated Agent as set forth below. Notifications of claimed copyright infringement must be sent to MRVPD's Designated Agent, for notice of claims of copyright infringement. MRVPD's Designated Agent may be reached as follows:*

*Designated Agent:*

*Address of Designated Agent:*

*Telephone Number of Designated Agent:*

*Email Address of Designated Agent:*

## **Section 10: Public Records Law – Compliance**

MRVPD social media platforms and their related content are subject to Vermont's Access to Public Records Law. Records that are produced or acquired in the course of MRVPD business, including material posted to MRVPD social media platforms, may be a public record and therefore, there should be no expectation of privacy in regards to the information posted on MRVPD social media platforms. Public records, regardless of format, are available for inspection and copying during customary business hours 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 official MRVPD website and MRVPD social media platforms shall clearly indicate that any content or comments posted or submitted for posting in whatever format are subject to public

disclosure. Content related to MRVPD 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 MRVPD social media platform.

## **Section 11: Public Records Law – Retention**

Relevant records retention schedules apply to content on the official MRVPD website as well as to MRVPD social media platforms. 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 12: Open Meeting Law – Compliance**

All posts by members of the MRVPD Steering Committee that relate to MRVPD business are subject to Vermont’s Open Meetings Law. Members (elected or appointed) of the MRVPD Steering Committee should refrain from using MRVPD 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 MRVPD public bodies may utilize MRVPD social media for gathering public input and fostering of public discussion related to the role with which the public body has been charged by statute or the Steering Committee, provided that the use is authorized in accordance with and conforms to this Policy.

Information posted by MRVPD on its social media platforms 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 13 – Enforcement against MRVPD Officials**

Employees found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment in compliance with MRVPD’s personnel Policy, employment contract, or collective bargaining agreement as appropriate.

Appointees and volunteers found in violation of this Policy may be subject to removal from their respected public posts.

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.<sup>2</sup>

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**SIGNATURES of MRVPD Steering Committee:**

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Addendum A: Acknowledgement of Official Use by MRVPD Officials

I, \_\_\_\_\_, acknowledge that:

A. I received a copy of the Social Media Policy of the Mad River Valley Planning District on \_\_\_\_\_ (Date);

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Mad River Valley Planning District reserves the right to add, amend or discontinue any of the provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions.

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*MRVPD Official's Signature Date*

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