

# Social Media Policy

Town of Benson, Vermont

## Section 1: Title and Authority

This policy shall be known as the Town of Benson Social Media Policy (hereafter “policy”). It has been adopted by the Town of Benson Select Board pursuant to 24 V.S.A. §§ 1121, 1122, and 872. The Select Board 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 Select Board or its authorized representative or designee.

## Section 2: Purpose

The purpose of this policy is to provide standards and procedures for the appropriate use of municipal social media platforms. This policy gives direction to municipal employees, elected officials, volunteers, appointees, public bodies, and other authorized users of municipal social media. This policy also creates guidelines for any public user who accesses or posts content on the municipality’s social media.

While this policy generally applies to the most popular platforms (Facebook, YouTube, Instagram, Snapchat, Twitter), we acknowledge that social media is an evolving communications tool and that new platforms may become available over time. The municipality may utilize social media to communicate information related to the business of the municipality directly to the public as well as to provide members of the public the opportunity to post content or participate in discussions concerning municipal business, including operations and services provided by the municipality. The municipality encourages the use of social media to further the goals of the municipality, the missions of its departments and public bodies, and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

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

## Section 3: Definitions

The following definitions shall apply to this policy:

**Content** means any post, writing, comment, remark, response, material, document, photograph, graphic, or other information of any kind, regardless of form that is created, posted, shared, distributed, or transmitted via the municipality’s social media platform.

**Designated agent** means an individual designated by the select board to receive and respond to notifications of claimed copyright infringement. Once named, the municipality must designate the agent with the United States Copyright Office.

**Municipality** means the Town of Benson, Vermont.

**Municipal electronic equipment** means all municipal electronic equipment – including computers, cell phones, smart phones, pagers, any associated hardware or software, and any other municipal equipment – that may be utilized to send or receive electronic communications.

**Municipal official** means an employee of the municipality, elected or appointed, or a municipal volunteer.

**Municipal social media or municipal social media platform** means the official social media platform of the municipality.

**Municipal social media moderator or moderator** means an individual designated by the select board to monitor, manage, and oversee municipal social media content.

**Municipal website or official municipal website** means the official website or domain of the Municipality.

**Social media platform or social media** means a form of information-sharing platforms (such as Facebook, MySpace, Google and Yahoo Groups, Wikipedia, YouTube, Instagram, Snapchat, Flickr, Twitter, LinkedIn, or other news media or content-sharing/blogging service) on which online content and dialogue around specific issues or area of interest are created.

**User** means a member of the general public who accesses, posts, creates, distributes, shares, or transmits content to a municipal social media platform.

#### **Section 4: Conduct of Municipal Officials**

Those persons designated and authorized to utilize municipal social media do so with the understanding that they represent the municipality via social media outlets and must always conduct themselves appropriately. Municipal officials must also consider content carefully, understanding that it will be widely accessible, not retractable, and retained or referenced for a long period of time. The municipality expects its officials to be truthful, courteous, and respectful toward their colleagues, residents, customers, members of the general public, and other persons associated with or who do business with the municipality.

Municipal officials' use of municipal social media shall comply with this policy as well as with the municipality's personnel and any other relevant policies, its charter provisions, rules, and regulations. This includes any use of municipal social media from outside of the workplace.

Official Use of Municipal Social Media Platforms. Municipal officials who use municipal social media in their official capacity, in the scope of their employment or while on duty, whether as an administrator or as a responder to content, must:

- Municipal officials may only post and respond to content on those matters that fall within their job description or statutory roles and responsibilities.
- Keep postings factual, accurate, and up to date. If a mistake is made, admit to it and post a correction as soon as possible.
- Reply to content in a timely manner when a response is appropriate. When disagreeing with others' opinions or providing content, be sure that the content is meaningful, respectful, and relevant.
- Never post content on anything related to legal matters, litigation, or any parties with whom the municipality may be in litigation without prior specific approval from select board.
- Municipal officials are expressly prohibited from disclosing any information via content posted to municipal social media that may be confidential.
- Refrain from expressing personal opinions or positions regarding policies, programs, or practices of the municipality, its officials, or other public agencies, political organizations, private companies, or non-profit

groups. Under no circumstances should a municipal official post, or direct another municipal official to post, a personal opinion or statement held by an individual municipal official.

- Never engage in name-calling or personal attacks or other behavior that may be considered to be demeaning. Information posted to municipal social media is public and is subject to Vermont’s Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, municipal charter provisions, and regulations. Municipal officials should have no expectation of privacy regarding the information posted on municipal social media nor in anything created, sent, or received on municipal electronic equipment. The municipality may investigate and monitor any transaction, communication, and transmission to ensure compliance with this policy and the use of its equipment.

The municipal social media moderator will monitor the content posted by municipal officials and the public on each of the municipality’s social media to ensure it complies with this policy for appropriate use, messaging, and branding and that it is consistent with the goals of the municipality.

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

### **Section 5: Designation of Social Media Platforms**

For each of the municipality’s social media platforms, the select board has identified and designated the type of speech forum, its purpose, and rules, as follows:

#### **1. Government Speech Forums.**

The following social media platforms are hereby designated as government speech forums: the official Town of Benson website, which is at [bensovermont.gov](http://bensovermont.gov).

This platform does not allow any public user content. It is reserved for the municipal government to engage in its own expressive conduct, to promote its own message, and to distribute information.

#### **2. Limited Public Forums**

The following social media platforms are hereby designated as limited public forums: the official Town of Benson Facebook page, which is at

<https://www.facebook.com/townofbensovermont>.

In a limited public forum, public user content is restricted, based on designated categories for which the forum (i.e., the social media platform) has been opened. Designated categories are those matters raised by municipal content on the social media platform. Public users posting or responding to content constitutes participation in a limited public forum.

### **Section 6: User Content: Rules and Guidelines**

This section applies to all users who access or post, create, share, distribute, or transmit content on municipal social media. The rules and guidelines apply to all municipal social media. This section’s provisions governing user content on municipal social media and its terms of use shall be displayed (or made available by hyperlink from the municipality’s official website) on all municipal social media platforms that have been designated in Section 5 of this policy as a limited public forum. Users from the general public shall be informed that agreeing to its terms is a prerequisite to participating in the municipality’s social media. The rules and guidelines to display as applicable and relevant are as follows:

## Terms of Use

The purpose of this site is to discuss matters of public interest in and to the municipality as identified and raised by the municipality. The municipality encourages the general public to submit content, but it must address the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the municipality. By virtue of such use, users who submit content to this social media platform agree that they have read, understand, and agree to the following terms and conditions:

1. I am submitting content voluntarily and on my own behalf;
2. The content I post reflects my own original thoughts or work;
3. I understand that the municipality has the right to re-post or share any content that I submit on this or other municipal social media;
4. I have read and understand the policy, including the right of the municipality to remove or archive content as described in this policy and as may be allowed by law;
5. I understand that any content I provide will be considered a public record under Vermont's Public Records Law;
6. I understand and agree that, unless specifically identified as a resource for receiving requests for information under Vermont's Public Records Law, municipal social media platforms are not proper vehicles for making requests for public information or public records under Vermont law, and any such requests must be made to the appropriate custodian of the record(s);
7. I understand and agree that my and others' content is subject to removal, in whole or in part, from this site if my or their content violates the conditions of this policy;
8. I understand that the views and content expressed on this site only reflect those of the content's author, and do not necessarily reflect the official views of the municipality or its municipal officials;
9. I agree to the following waiver of liability: Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the municipality accepts no responsibility based on the actions of others or for creating this municipal social media platform, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the municipality, including its municipal officials, from any and all actions, claims, liabilities and damages of whatever kind and nature that arise out of or are in connection with my use of the municipal social media platform.

By posting, sharing, distributing, or transmitting content, I acknowledge that I understand and accept these terms of use.

The municipality does not discriminate based on viewpoint but it may remove content and restrict access to users who violate this policy. The municipality reviews content on all its limited public forum social media platforms.

All users must clearly identify themselves; anonymous posting is not allowed. Content created, posted, shared, or transmitted by a member of the public on any municipal social media platform is their opinion only. Publication of content does not imply endorsement of, or agreement by, the municipality, nor does such content necessarily reflect the opinions or policies of the municipality. The municipality is not responsible for content that appears on external links. The municipality does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, external websites, or content linked thereto and assumes no liability for damages resulting from reliance upon or accessing such content. The municipality reserves the right to delete links and embedded content that violate this policy.

Content posted by authorized municipal officials or the general public shall conform to this policy, including comments or hyperlinks to other content. The following prohibited content shall not be permitted on any municipal social media and shall be subject to removal by the municipal social media moderator:

- profane, obscene, sexual, or pornographic language or images;
- content that promotes, fosters, or perpetuates discrimination based on 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 advertising of any business or product for sale;
- links to any unauthorized site or content;
- the promotion or endorsement of a political campaign or candidate;
- personally identifiable information or sensitive personal information that, if released, violates federal or state law;
- disruptively repetitive content;
- conduct or encouragement of illegal activity;
- information that may tend to compromise the safety or security of the public or public systems;
- information that directly interferes with or compromises ongoing investigations, public safety tactics, or the safety of public safety officers;
- malicious or harmful software (malware);
- defamatory or personal attacks;
- threats of violence or threats to public safety;
- confidential, private, or exempt information or records as defined by state or federal law;
- conduct that violates any federal, state, or local law;
- copyrighted materials in violation of state or federal law; or
- content that is clearly unrelated to the subject matter of any post made on the platform by or on behalf of the municipality.

The municipal social media moderator is authorized to remove content or links that do not conform with the requirements of this policy in a viewpoint neutral and consistent manner. The municipality will not edit or delete any content unless authorized by this policy or allowed by law. Users should understand that third parties having control of a social media platform may edit or delete content independently of the municipality and without the consent, authority, or control of the municipality.

Users who violate this policy may be temporarily or permanently restricted from accessing municipal social media. The municipality reserves the right to deny any user who repeatedly violates this policy access to posting to municipal social media. To appeal the editing or removal of content or the restriction of access to a municipal social media platform, the user must submit a written statement to the municipal social media moderator. The statement should provide grounds for reinstatement of access to or right to publish the edited or removed content.

Requests will be addressed in a reasonably timely manner; content or access, as applicable, 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 be sufficient. The municipal social media moderator's decision to an appeal will note the basis for the decision. If the user is unsatisfied with the decision, they may appeal to the select board, who will render a reasonable timely response noting the basis for the decision. The decision by the select board shall be the final administrative decision of the municipality.

Users may contact the municipal social media moderator at any time to identify content or other conduct on the municipal social media that violates this policy. Users should avoid and ignore responding to content in violation of this policy, or, if responding, do so in a manner that conforms with this policy.

All content posted to any municipal social media platform is bound by that platform's applicable statement of rights and responsibilities or terms of service. The municipality reserves the right to report any violation of that platform's or site's statement of rights and responsibilities or terms of service to the platform's or site's provider with the intent of the provider taking appropriate and reasonable responsive action.

## **Section 7: Account Management**

Municipal officials may only establish or use municipal social media on behalf of the municipality after approval by the select board or its authorized representative or designee. The select board or its authorized representative will review all requests by municipal officials to contribute to municipal social media and has the sole authority to authorize their use and establish and/or terminate municipal social media accounts. In this role, the select board or its authorized representative will evaluate all requests for usage, verify staff authorized to use municipal social media tools, and confirm completion of online training for social media, if deemed necessary. The select board or its 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 municipal social media platforms shall be created by a duly designated municipal information technology (IT) officer with the approval and under the direction of the select board or its authorized representative, and shall be published using approved municipal social networking platform and tools administered by the municipal IT officer.

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

The select board or its authorized representative shall designate a municipal social media moderator to monitor, manage, and oversee all content on each social media platform to ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests and goals of the municipality.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule. The edit or removal shall be accompanied by a description of the reason such content was deemed unsuitable for posting along with the time, date, and identity of the poster, when available.

The municipal social media moderator or his/her authorized representative or designee retains the sole authority to remove content from the municipality's social media outlets.

Designated department heads and/or other authorized municipal officials are responsible for the content and upkeep of any municipal social media they create.

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

All municipal social media platforms shall clearly indicate that they are maintained by the Town of Benson, Vermont and shall prominently display necessary contact information. All municipal social media platforms shall include the prominent placement of the municipal logo, if available, along with the following notification:

This is the official [insert Facebook, Twitter, YouTube, etc.] platform for the Town of Benson, Vermont. If you are looking for more information about the municipality, please visit the official municipal website at [bensonvermont.gov](http://bensonvermont.gov). The purpose of this social media platform is to provide general public information only. If you require a response from the municipality or wish to request a municipal service, please visit [bensonvermont.gov](http://bensonvermont.gov) or contact the municipality at 802-537-2611.

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

The municipality complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law 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.

The municipality respects the intellectual property of others and requires users of municipal social media to do the same. In accordance with the DMCA and other applicable law, the municipality may remove content on municipal social media that is copyrighted and may deny access to the municipal social media users who are deemed to be copyright infringers pursuant to this policy.

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

If you believe that any material on the Town of Benson's official website or municipal social media platforms infringes on any copyright which you own or control, or that any link on municipal social

media 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 the Town of Benson.

Notifications of claimed copyright infringement must be sent to the Town of Benson Vermont's designated agent, for notice of claims of copyright infringement. The municipality's designated Agent may be reached as follows:

Designated Agent: Cheryl Murray  
Physical Address: 2000 Stage Road, Benson VT  
Telephone Number: 802-855-3798  
Email Address: cookinvt9@gmail.com

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

Municipal social media platforms and their related content are subject to Vermont's Access to Public Records Law. Any records produced or acquired in the course of municipal business, including material posted to municipal social media, may be a public record. Therefore, there should be no expectation of privacy regarding the information posted on municipal social media. 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 in whole or in part. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

The official municipal website and municipal social media shall clearly indicate that any content posted or submitted for posting in whatever format is subject to public disclosure. Content related to municipal 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 municipal social media platform.

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

Municipal officials must comply with Vermont's Public Records Law when using municipal social media. Relevant records retention schedules apply to content on the official municipal website as well as to municipal social media. 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 and be available for copying and inspection during customary business hours.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule.

### **Section 12: Open Meeting Law – Compliance**

Municipal officials must comply with Vermont's Open Meeting Law when using municipal social media. All posts by members of the municipality's public bodies that relate to municipal business are subject to the Open Meeting Law. Members (elected or appointed) of any municipal public body should refrain from using municipal social media to discuss the business of the public body or to take official action in violation of the Open Meeting Law. A member of a public body who "likes," "shares," "tweets," or otherwise engages in another member's content on municipal social media may be communicating municipal business and the Open Meeting Law may apply. Furthermore, members of public bodies



should refrain from posting content on or responding to inquiries related to quasi-judicial matters within the subject matter jurisdiction of their respective public bodies.

Members of municipal public bodies may utilize municipal social media for gathering public input and fostering public discussion related to the role with which the public body has been charged by statute or the select board, provided that the use is authorized in accordance with Vermont law and conforms to this policy.

Information posted by the municipality on its social media will supplement, 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 Municipal Officials**

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the municipality'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.

The municipality may seek all appropriate legal remedies including damages or a court-ordered injunction to enforce compliance with this policy.

ADOPTED this 17 day of April, 2023.

SIGNATURES of select board:

Linda R. Peltier

Thomas A. Battolone

Jim Mon

R. A. M.

Guy M. Chalton

**Addendum A: Acknowledgement of Official Use by Municipal Officials**

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

- A. I have received a copy of the Town of Benson’s Social Media Policy on \_\_\_\_\_ and it is my responsibility to familiarize myself with its contents;
- B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand;
- C. I understand that this policy replaces any and all prior versions and that the Town of Benson 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;
- D. I acknowledge that I understand this policy and I agree that I will comply with all its provisions.

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Municipal Official’s Signature \_\_\_\_\_ Date \_\_\_\_\_