

**City of Burlington, Iowa  
Social Media Policy  
Effective October 18, 2021**

The City of Burlington, Iowa (“City”) understands that social media can be a fun and rewarding way to share an employee’s life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist in making responsible decisions about an employee’s use of social media, and to provide guidance on the use of social media for the City as an organization, the City has established these guidelines for appropriate use of social media.

Commonly used social media platforms have large, loyal user bases and are, thus, increasingly important outreach and communication tools for government entities from the federal to the local level. These guidelines are not meant to address one particular form of social media, rather social media in general, as technology will inevitably change, and new tools will emerge.

This policy applies to **ALL** employees who work for the City.

### Definitions

- *Posting:* Any writing, image, video, download, audio file, and hyperlink to other websites, or media which is downloaded, referenced, inserted, or placed upon any social media site.
- *Social media or site:* Includes, but is not limited to, electronic communication through which users create online communities to share information, ideas, personal messages, photographs, videos, and other content. Examples of the types of social networking sites covered by this policy include, but are not limited to: blogs, LinkedIn, Facebook, Google+, Twitter, YouTube, or Instagram, photo and video sharing sites, micro-blogging, podcasts, wikis, news sites, as well as viewable comments posted on the Internet and/or social media sites.

### Guidelines for Personal Use of Social Media

All City employees are expected to use City computers, tablets, mobile phones, computer applications and programs, internet resources and network communications in a responsible, professional, ethical, and lawful manner always. This includes use of all social media utilizing these devices. Employees should be aware that all content, including social media, on these devices **is not private** and the employer could access any information saved to, accessed by, created on, transmitted on, downloaded to, exchanged over, or discussed on these devices, including social media, at any time. Consequently, **employees have no reasonable expectation of privacy when engaging in these activities and employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone.**

In addition, employees are expected to follow all other City policies with regard to their use of social media (*for example, City Employee Handbook or departmental SOP*). Any employee who violates this policy may be subject to disciplinary action.

The same principles and guidelines found in City policies and these basic beliefs apply to an employee’s activities online. Ultimately, an employee is solely responsible for what the employee posts online. The employee may be personally responsible for any litigation that may arise should the employee make unlawful defamatory, slanderous, or libelous statements.

## Know and Follow the Rules

Carefully read this policy in its entirety and ensure an employee's postings are consistent with these policies. Postings that include unlawful discriminatory remarks, harassment (as defined by the City's discrimination/harassment/retaliation policies), and threats of violence or other unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination.

## Employees' Personal Use of Social Media

- Employees should limit their use of social media during working hours or on equipment provided by the City unless such use is work-related or authorized by a supervisor.
- Employees may not, unless expressly authorized in writing, make statements on behalf of the City on the employee's social media accounts. If a City employee has not received such express permission and the employee wishes to make a work-related statement on his/her social media, any user profile, biography, or posting on a personal social media account that identifies that person as a City employee must include a qualifying statement in substantially the following form: *"The views I express on this site are my own and do not reflect any official view or position of the City of Burlington."* The employee should include a disclaimer indicating that the opinions are the employee's personal opinions not the opinion of the City.
- Employees shall not use City provided e-mail accounts to sign up for or access social media unless expressly authorized to do so by the employee's supervisor.
- Employees shall have no expectation of privacy if they access their social media using City e-mail, City networks, City servers, City internet, City devices, and/or any other City resources when accessing social media.
- Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment with the City unless expressly authorized. In addition, employees are expected to respect the privacy of their co-workers and citizens and must take steps to protect the privacy and confidentiality of others.
- Employees are not to use the City's intellectual property such as trademarks, logos, letterhead, etc. when posting on social media or in any other actions, unless expressly authorized in writing. This includes posting pictures of yourself or others wearing City uniforms or other apparel bearing the City's name or logo when the activity in the photos violates the policies in this Employee Handbook.
- Employees are not allowed to use photographs or other depictions related to City business, including as discussed in the paragraph above, unless expressly authorized in writing. This includes, but is not limited to posting, transmitting, and/or disseminating any photographs or videos of City training, activities, or work-related assignments.
- Employees shall not post material that is abusive, obscene, libelous, threatening, profane or otherwise inappropriate about the City, its employees, or citizens.
- Employees shall not post material that may be construed to be discriminatory, harassing, or retaliatory under local, state, or federal law about the City, its employees, or citizens.
- Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. Employees have the right to engage in or refrain from such activities. Section 7 of the NLRA protects the rights of employees to engage in concerted activities (concerted activities involve discussions with respect to wages, hours, and other terms and conditions of employment).
- Nothing in this policy is intended to infringe upon any employee's legitimate First Amendment rights and employees are free to express themselves as private citizens on social media sites. The intent of this policy is to prevent employees from engaging in unlawful speech, improperly impairing the working relationships of this City, impeding the performance of City duties and/or negatively affecting the public perception of the City. As public employees, employees are cautioned that speech made pursuant to an

employee's official duties is not protected speech under the First Amendment and may form the basis for discipline.

### Guidelines for City Sanctioned Use of Social Media

This policy applies to the use of social media to interact with the public by City employees in their capacity as a City employee; however, this policy is not intended to infringe upon an employees' right to discuss working conditions.

Moreover, a social media presence has become a hallmark of vibrant and transparent communications. Social media improves interactivity between a city department and the public, and it reaches populations that do not consume traditional media as frequently as others do. Therefore, city departments are encouraged to enhance their communications strategies by using social media websites. In doing so, however, city departments should take care to choose the types of social networks that make the most sense for their type of information and that give emphasis to tools that provide more information across multiple outlets to the broadest audience.

All department communication tools should be used in ways that maximize transparency, maintain the security of the network, and are appropriate and professional. Social media is no exception. Regardless of the social media used, the purpose is to communicate information to the public, and, where requested by the city, to receive the public's feedback and comments on specific topics of importance to the city. The City does not, by using any form of social media, intend to establish an unlimited public forum in which persons are free to post comments or opinions. The city must retain control over the content of its pages, including comments and postings by members of the public.

- I. **Approval and Administration**  
The establishment and use by any City Department of City social media sites are subject to approval by the City Manager or his/her designees. All City of Burlington social media sites shall be administered by the Department Director or his/her designees.
- II. **Compliance with Applicable Laws and Policies**  
Users of all City social media shall adhere to applicable federal, state and local laws, regulations and policies.
- III. **The city website should remain the primary source of official documents and be linked to in social media posts.** Informational items posted on city social media sites should also be available on the main city website. The city website at [www.burlingtoniowa.org](http://www.burlingtoniowa.org) will continue to serve as the main information source. Items that serve a more timely response and need for dissemination may be pushed out on city social media accounts rather than be posted on the city website.
- IV. **Conduct Requirements when Posting on Behalf of City.**  
An employee representing the City of Burlington using social media sites must conduct themselves at all times as a representative of the City and be in accordance with City polices. As examples, employees posting on behalf of the City should utilize appropriate and professional language, attire, and profile pictures. Employees who fail to conduct themselves in a positive and professional manner will be subject to disciplinary action procedures as defined in the Employee Handbook.

Official City posts shall follow these key principles:

- Department Directors or their designee are responsible for authorization, administration, and password management for departmental social media sites.
- If the social media site allows interaction (i.e., comment from the public) it must clearly state that: (1) There is no intention to create a public forum; (2) The site is not for use by the public as a place for expressive activity; (3) The City reserves the right to eliminate comments entirely or to edit them.
- Employees who act as account administrators of social media sites will act in compliance with acceptable use guidelines such as no personal commentary, political, or private business activities.
- Employees who act as account administrators will use security best practices such as never using a current network password.
- If an account is used for City purposes the entire account is subject to Iowa Open Records Law provisions and may also be subject to federal laws protecting the privacy of children.

V. Commenting on third-party sites regarding City Business.

The City of Burlington may become a subject in a media outlet that allows interaction (e.g. blogs, comment portions of online news sources). Elected officials and approved City staff are permitted to communicate with the media as a spokesperson and to comment in these forums as official representatives of the City of Burlington.

VI. Misinformation.

If a City employee finds a posting or comment about the City of Burlington that contains incorrect information, they are to report it to their supervisor as soon as possible. Additionally, comments posted by employees that contain intentionally misleading or inaccurate information may lead to disciplinary action up to and including termination.

VII. Unacceptable uses.

The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of them on a social media account established by the City or a City department.

- i. Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with City and department policies.
- ii. Using social media in a manner that:
  1. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;
  2. Contains confidential or "for official use only" information or information that compromises the security of City networks or information systems. Such for official use only or confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations (except as permitted under such laws and regulations), as well as social security numbers and other personally identifiable information;
  3. Violates the terms of use governing the social media account
  4. Discloses actual or potential claims and litigation involving the City.
  5. Discloses any personal, sensitive, or confidential information about anyone.
  6. Includes content prohibited in the comment policy.
  7. For any political purposes.

8. To conduct private commercial transactions or to engage in private business activities. Except to acknowledge donations and program supporters.
9. Endorsement or recommendation of any private business.
10. Posting of personal commentary on City policy.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the City Manager or his or her designee.

#### VIII. Comment Policy

In accordance with the City's purpose to use social media as a mechanism to disseminate information to the public, that is, to engage in government speech, the City reserves the right to disable, or prevent commenting on any of its social media pages. The City reserves the right to remove comments subject, but not limited to the following guidelines:

- Comments not related to the topic of discussion;
- Profane language or content;
- 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;
- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems; or
- Content that violates a legal ownership interest of any other party.

#### IX. Monitoring for Compliance

Departments shall monitor their social media sites for comments requesting responses from the City and for usage in violation of this policy.

#### X. Disclaimer

In addition to Terms of Service (TOS) and Terms of Use posted by the social media site City departments must include on their sites disclaimer language making it clear that the City of Burlington is not responsible for information posted by users to the site and must include contact information for requesting removal of objectionable content.

The City's acceptable Disclaimer and Terms of Use are:

#### **Disclaimer**

The City of Burlington's social media and web pages are produced and maintained under the City Manager's Office. Links to other Internet sites should not be construed as an endorsement of the views contained therein.

The City of Burlington:

- Does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on a linked website.
- Does not endorse the organizations sponsoring linked websites or the views they express or the products/services they offer.
- Cannot and does not authorize the use of copyrighted materials contained in linked websites. Users must request such authorization from the sponsor of the linked website.
- Does not guarantee that external websites comply with Section 508 (Accessibility Requirements) of the Rehabilitation Act.
- Does not endorse or support opinions or views expressed by users of the City of Burlington's social media or web pages.

- Is not directed to children and will delete any information about a child under the age of 13 that may have been inadvertently collected upon becoming aware of such information.
- The Iowa Open Records Act applies to records of the City so that content on this site which is kept as a record of the City is subject to public disclosure requirements.

### **Terms of Use**

The City of Burlington expects that participants will treat each other with respect.

- The use of vulgar, offensive, defamatory, pejorative, sexual, threatening or harassing language is prohibited.
- The City of Burlington's social media and web pages are not open to the promotion or advertisement of a business or commercial transaction.
- Users are prohibited from posting any copyrighted content without the copyright holder's express permission or material protected by other intellectual property laws.
- The City of Burlington does not intend to create a public forum on this site or any City of Burlington social media site. This site is not for use by the public as a place for expressive activity. Users are prohibited from the posting of abusive and profane comments, and from content relating to politics, religion, supporting or opposing political candidates or issue advocacy, promoting illegal activity, or which is not topically related to the City's particular request for public feedback.
- The City reserves the right to eliminate comments/postings entirely or to edit them if deemed in violation of this policy or any applicable law.
- Contact [citymanager@burlingtoniowa.org](mailto:citymanager@burlingtoniowa.org) or call 319-753-8100 in order to report the posting of materials infringing a third party's intellectual property rights, identifying information about children, or other illegal materials or content.

### **User Generated Content (UGC)**

Users of the City of Burlington's social media and web pages are fully responsible for the content they load to the City of Burlington's social media and web pages. The user is responsible for all copyright and intellectual property laws associated with this content. Contact [citymanager@burlingtoniowa.org](mailto:citymanager@burlingtoniowa.org) or call 319-753-8100 in order to request removal of infringing materials.

### Honesty and Accuracy

An employee should understand that honesty and accuracy are important when posting information or news, especially such information or news concerning the City, and that it is good practice to correct a mistake quickly. An employee may want to be open about any previous posts the employee has altered. Remember that the Internet archives almost everything; therefore, even deleted postings often can be searched.

### Respect of Transparency

Respect copyright, trademark, and similar laws and use such protected information in compliance with applicable legal standards.

### Media Contacts

All media inquiries for official City responses should be directed to the City Manager's office. Employees should not speak to the media for official responses on the City's behalf without contacting a Department Head, City Manager or City Attorney.

## Open Records

The City's social media sites or social media activity conducted on City devices or regarding City business, even if the employee considers the social media personal in nature, are considered public records. Social media users should be aware that these types of communications are considered public records and, consequently, must be handled in compliance with the Iowa Code Chapter 22 Public Records law. If requested, the City may be compelled to disclose public records to third-party requestors. The City in its sole discretion and pursuant to Chapter 22 of the Iowa Code shall determine whether postings on its social media websites or other social media activity related to the City are public records and whether exemptions from disclosure apply.

These guidelines are intended to ensure that City departments' social media sites are secure and appropriately used and managed by outlining "best practices" for the use of social media in City of Burlington government. Thus, the suggestions provided in these guidelines are designed to protect city employees and ensure consistency across departments when incorporating social media into their mission.

If an employee has questions or needs further guidance regarding any aspect of this social media policy, please contact the City Manager.



## SOCIAL MEDIA POLICY RECEIPT ACKNOWLEDGEMENT FORM

I, \_\_\_\_\_,  
*First and Last Legibly **Printed** Name*

an employee of the City of Burlington, hereby certify that I received the City of Burlington Social Media Policy, Effective October 18, 2021, and completed reading said Policy on the date following my signature below.

I understand that all employees of the City are subject to and shall comply with all information contained in the Social Media Policy.

Lack of knowledge of the policy will not be considered an excuse for non-compliance and it is with this understanding that I read all the contents of this Social Media Policy. I understand failure to comply with any of the policy may result in discipline, up to and including discharge.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

This document is to be signed, dated and given to the immediate supervisor to be forwarded on to the Human Resources Department so that it may become a permanent record in the employee's file.