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COMMON COUNCIL SOCIAL MEDIA POLICY June 2011

Introduction

Our world is undergoing a fundamental shift in the way we communicate. Traditional communication mediums, such as letters, phone calls, newspapers, television and even email, are all giving way to the use of social media. Facebook currently claims a membership of nearly more than double the population of the United States.¹ Flickr, YouTube, Hulu and Wikipedia are now common household terms. Google is no longer just a noun, it is a recognized verb.² The professional journalist's printed editorial has given way to the layperson's blog. Personal communications devices make it possible for anyone to access his or her favorite social media virtually anywhere at any time.

The Common Council Organizational Committee Subcommittee to Develop Council Social Media Policy comprised of Ald. Lauren Cnare, Ald. Bryon Eagon and Ald. Chris Schmidt met from February 2011 to April 2011 to develop a social media policy and guidelines for members of the Common Council.

The subcommittee recognized that the Madison Common Council seeks to actively inform, serve, and engage citizens and that social media provides an opportunity to reach a large audience directly by allowing for greater personal interaction between elected officials and residents.

When properly used, it can be an effective tool for the Common Council to:

- openly, directly, and publicly communicate with citizens
- develop new and/or improved relationships with constituents and community partners
- seek input from citizens on key issues or services provided
- promote educational information directly to constituents

Purpose

The intent of this policy is to promote the safe, orderly, responsible and consistent use of social media by members of the Common Council.

The City's vision statement reads: "The City of Madison will be a safe and healthy place for all to live, learn, work and play." Social media and alder specific webpages can facilitate that vision by providing useful and real-time information to the public. Social media can enhance and promote the City's image; can share valuable information regarding availability of community services, City operations and activities; and, can facilitate a dialogue between the alder and their constituents.

However, without guidance and oversight, the use of social media may result in the alder sending out inconsistent messages and confusing the public they serve. Furthermore, the inappropriate use of such media can lead to liability, threaten the vitality/safe operation of the City's Information Technology resources and result in the loss of important public records and historical documents. Additionally, the City must ensure full accessibility in all of its website and social media venues.

Alders are asked to comply with the terms of this policy. The City retains the right to edit or remove any content that violates this or any other policy of the City or any applicable law.

¹ Facebook's active membership exceeds 500 million. See <http://www.facebook.com/#!/press/info.php?factsheet>

² Google. Dictionary.com. *Collins English Dictionary - Complete & Unabridged 10th Edition*. HarperCollins Publishers. <http://dictionary.reference.com/browse/google> (accessed: October 18, 2010).

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The Role of Council President

The Common Council President, in consultation with the Information Technology Department Director, shall be the final approving authority on any request to employ social media. They will approve any use of social media that is consistent with city objectives, business practices and the policies stated herein.

The Role of the Information Technology Department

The use of social media is not without its risks. Common Council members may not always have a good understanding or appreciation of these risks. Therefore, to protect the integrity of our records and to safeguard the City's substantial investment in IT resources, the Information Technology Department shall be the lead agency in the use of and implementation of social media.

1. The Director of the Information Technology Department shall review all tools and applications for use of social media and shall make a recommendation to the Common Council President and Common Council Organizational Committee on each such application. In making his/her recommendation, the IT Director shall:
 - a. Consider any comments of the City Attorney;
 - b. Give no effective "grandfathering" to any use in place before the adoption of this policy.
2. The IT Director shall:
 - a. Maintain a list of social media tools approved for use by Common Council members.
 - b. For each such approved social media tool the IT Director shall:
 1. Develop operational and use guidelines;
 2. Implement City, departmental and divisional branding standards;
 3. Develop enterprise-wide design standards;
 4. Manage accounts on social media sites;
 5. Act as the Administrator of social media sites;
 6. Create social media applications and RSS feeds; and
 7. Set-up security settings on social media sites.
 - c. Maintain a list of each Common Council member's use of social media tools to include:
 1. The login and password information for each alder;
 2. Define the repositories for all data.
3. Use of social media should generally meet one of the following criteria:
 - a. The communication of time sensitive information in a real time manner (i.e. public meetings; city events; open houses, etc.).
 - b. Marketing/promotional efforts designed to reach a demographic that favors the social media under contemplation.
 - c. To solicit feedback or input from the largest possible audience on a distinct proposal or plan before the City.
4. The City's website and connected web pages will remain the City's primary and predominant presence on the Internet. Therefore:

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- a. Any use of social media should be accessible through or linked to the appropriate web pages on the City's website.
 - b. Content posted to a social media website should contain links directing users back to the City's websites where additional in-depth information, forms or other online services are available for the public.
 - c. The City's website should be the repository. Data will be "pushed" to social media tools. The City has a central data repository that receives online submissions and updates from database applications in various City agencies. In turn, these submissions and updates are pushed out near real-time to a variety of other channels including the City of Madison's website, RSS feeds, SMS messaging, Twitter and Facebook.
 - d. RSS feeds should be built or scripted by IT or approved staff to ensure compliance with records retention laws.
5. The IT Director shall respond to complaints/inquiries at the point of contact and may, in consultation with the Common Council President, edit or remove any presence or content that violates any provision of this or any other policy or law;

The IT Director shall maintain a record of the original social media presence as it existed before any action taken by the IT Director.

6. The IT Director shall determine whether a social media tool or site permits the preservation of the City's presence in a manner that comports with the City's duties and obligations under the Wisconsin Public Records Laws. The IT Director shall apply Sec. 3.70(3)(b)9, MGO, in determining whether to approve any social media for use by City Divisions, Departments or staff.
7. The IT Director shall periodically conduct training on the appropriate use and the mechanics of social media.
8. The IT Director shall promptly report the discovery of any criminal activity or law violation to the Madison Police Department and shall cooperate with any investigation of the same.
9. The IT Director has the authority to grant limited exceptions to this policy. Such exceptions shall take into account the principles of information and infrastructure security and such exceptions shall be granted in writing only.

The Role of the Office of the City Attorney

Use of social media raises several legal issues. First, the City must comply with the Wisconsin Public Records laws and Open Meetings laws. Unfortunately, these laws have not been substantially updated since long before social media and the internet became available. Thus, close consultation with the City Attorney may be required when employing social media so as to appropriately address public records and open meetings considerations.

Second, use of social media may implicate First Amendment freedom of speech considerations. When the City opens up a public forum, that is to say, when the City creates a place to exercise freedom of speech rights, the City can only place viewpoint neutral, time, place and manner restrictions on participant's speech. In other words, the government cannot ban nor otherwise interfere with speech that it does not like or that it simply disagrees with. However, when the City creates a more limited forum the City enjoys far broader authority to restrict the conduct and speech of those people using that forum. In a limited public forum, government may restrict the content of public speech or may ban such speech altogether.

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The City employs social media for the express and limited purposes of communicating the City's various messages, its vision of the City and for receiving certain limited communications from the public. The City employs social media in order to promote the City's government speech³ and to allow the public a limited venue in which to communicate with the City. The City thus does not intend to create any open public forums for expressive activity. The City intends to monitor and where appropriate remove or restrict content that is inconsistent with or in violation of this policy.

Therefore, the City Attorney shall:

1. Review each application for the use of social media and provide the applicant and the IT Director with feedback/recommendations concerning the proposed use of social media.
2. Ensure that, consistent with sec. 3.70(3)(b)9, MGO, the City's use of social media complies with applicable public records laws and retention schedules.
3. Ensure that each application reflects consideration of the First Amendment principles at issue in the use of that particular social media and appropriately avoids creating public forums.
4. Conduct appropriate training in the legal issues associated with the usage of social media, such training to be conducted in coordination with the social media training provided by the IT Director.

The Role of Council Members

Common Council members may suggest appropriate social media opportunities that will advance the City's ability to communicate with the public. The goal of this policy is to promote, not to inhibit, the orderly and appropriate use of social media.

1. A Common Council member that identifies a social media opportunity must have approval of the Common Council Organizational Committee to pursue an application for such use with the IT Director.
2. If the Common Council Organizational Committee approves such requests, the Common Council member shall submit an application to the IT Director that sets forth:
 - a. The identity of the social media;
 - b. The name, title and contact information for the staff person(s) responsible for working with IT staff;
 - c. The purpose and benefits of utilizing the social media;
 - d. Any rules the Department/Division has developed regarding the use of the social media.
3. All usage of social media shall comply with the City's Ethics Code and all applicable laws.
4. All social media sites and tools shall contain a clear and conspicuous notice to users that the City is using the medium as a means of communicating with the public on the limited subject matter at hand. Furthermore, this notice shall inform the user that once posted; the City reserves the right to delete, at its discretion, any submission that contains:

³ See Pleasant Grove City, Utah v. Summum, 129 S.Ct.1125, 172 L.Ed.2d 853 (2009).

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- Spam, advertising or include links to other sites that would not be permitted under the City's Web Linking Policy APM 3-13.
- Endorsement or opposition of political campaigns (applies to Federal, State, Local and/or personal aldermanic campaigns)
- Irrelevant to or off topic content as compared to the particular purpose the social media is being used to communicate about.
- Content that promotes, fosters, or perpetuates discrimination in violation of the Madison Equal Opportunities Ordinance, sec. 39.03, MGO.
- Sexual content or links to sexual content or that advocates, encourages or promotes illegal activity of any kind.
- Commercial advertisements or otherwise promotes or solicits commerce, particular services, products, or political candidates, causes and/or organizations.
- Content that infringes upon or violates any copyrights, trademarks or legal ownership interests of any other party.
- Information that may tend to compromise the safety or security of an individual or the public.
- Content that violates any City of Madison policies or any local, state or federal laws.
- Vulgar or profane language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, or religious group.

All social media sites and tools shall also contain a clear and conspicuous notice to users that comments posted to the social media constitute public records subject to disclosure under the Wisconsin Public Records Laws. Such notice, whenever possible, shall appear in such a manner so that a person must view and/or acknowledge the notice prior to posting their comments. These notices may be posted by hyperlink. Anytime content is removed because of a violation of these rules, the person removing such content shall retain a copy of the removed content and where possible, shall include the date time and identity of the poster.

5. Common Council members are responsible for keeping their social media presence fresh and current.
6. Common Council members are responsible for responding completely and accurately to any request for public records related to their social media presence.
7. Common Council members should be aware that social media often contains the capacity for direct communications such as chat, instant messaging and text messaging that are very similar to email. However, such means of communication are not captured in the City's searchable email archive database. Therefore, if the social media contains such features the Council members shall comply with the requirements of sec. 3.70(3)(b)9, MGO or forgo/disable the use of such communication tools.
8. Social media shall not be used to avoid duties and responsibilities imposed by the Wisconsin Public Records Laws and/or Open Meetings Laws.
9. Common Council members should be mindful that for most of the public, these social media venues might be their only contact with the City. Thus, communications on social media should be respectful and professional. Care should be taken to ensure that content is accurate, informative and timely.

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10. Avoid disclosing or posting any information that would compromise the health, safety or security of any person, group, organization, building or facility.
11. Whenever posting links to or on a page/site with links to external sources the Common Council member shall include the following disclaimer:

“The City of Madison, Wisconsin is not responsible for the content provided on “related” and “promoted” links that are accessible from this page. All viewers should note that these related links, videos, content and comments expressed on them do not reflect the opinions and position of City of Madison government or its officers and employees.”

Review & Appeal Procedure

The IT Director shall respond to complaints/inquiries at the point of contact and may, in consultation with the Common Council President, edit or remove any presence or content that violates any provision of this or any other policy or law.

If the Common Council member disagrees with the determination made by the IT Director and Common Council President, the Common Council member may appeal to the Common Council Organizational Committee for review. The Common Council Organization Committee’s decision shall be final. Any action taken by the Common Council Organizational Committee may be used as a guideline to be incorporated into the Common Council Social Media Policy.