



Digital Media Policy

Effective: Upon Adoption

Purpose: The purpose of this policy is to provide standards for the appropriate use of digital media and the internet and to identify which social media platforms may be used by the Town as Government Speech Forums and Limited Public Forums. This policy covers digital meeting platforms including the Town Zoom™ account.

Authority: This policy is adopted in accordance with 24 V.S.A. §§ 1121, 1122 and 872.

Applicability: This Policy applies to any employee, volunteer, official (whether elected or appointed), officer or agent of the Town and to any digital forum or platform owned by the Town, including all Government Speech Forums and Limited Public Forums (each, a “Town Platform”). This policy shall apply to such persons exclusively in their capacity as agents of the Town and not in their respective capacities as private individuals.

Policy: No employee, elected or appointed official shall use a Town of Norwich digital media platform, except as authorized by the Town, there being no individual speech rights attaching to any Town Platform for such persons. No such person shall use a Town Platform to denigrate or in any way negatively comment on elected or appointed officials, or any citizen of the Town of Norwich, or otherwise cast the Town in an objectively negative light. No social media posting may contain language that is profane, obscene, sexual, or defamatory or encourage illegal activity. This policy applies to speech that is either posted on a Town Platform or is originated from Town Electronic Equipment.

While this policy generally applies to the most popular social media sites, it is acknowledged that social media is an evolving communication tool and new sites may become available over time.

Section 1: Definitions

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

Digital media platform refers specifically to the Town Of Norwich Zoom™ account. This platform will be used by the Selectboard and all Selectboard appointed committees and commissions for all meetings during the State of Emergency declared by Governor Scott in March 2020 and the Town of Norwich YouTube™ account.

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A “Government Speech Forum” is available only for the municipality to convey information. Public user comments are disabled on government speech forums. Many official municipal websites are government speech forums, used exclusively by municipalities to post information about initiatives or events. For purposes of this policy, Government Speech Forums are the Town of Norwich website, official email accounts for each department, employee, or elected official and any similar platform that may be deployed in the future and that is owned or controlled by the Town for Town business and communication. This policy also includes the websites developed and administered by Town appointed committees and commissions (e.g., Trails Committee, Energy Committee, etc).

A “Limited Public Forum” allows discussion of certain topics; user comments must be related or they are subject to removal. One example is a municipality’s Facebook page that has been enabled to allow users to post comments and replies to municipal posts. For purposes of this policy, Limited Public Forums include the Police Facebook page, the Fire Department Facebook page, and the Recreation Council Facebook page and any similar platform that may be deployed in the future and that is owned or controlled by the Town for Town business and communication.

Moderator means the Town Representative responsible for monitoring the content posted via digital media platforms to ensure content complies with this Policy for appropriate use, messaging and branding, consistent with the goals of the municipality. The Moderator for the Town of Norwich website is the Town Manager or his/her designee(s). The Moderator for the Norwich Police Facebook page is the Police Chief or his/her designee. The Moderator for the Norwich Fire Department is the Fire Chief or his/her designee. The Moderator for the Norwich Recreation Department is the Recreation Director or his/her designee.

Town Electronic Equipment means all Town-owned electronic equipment including, but not limited to, computers, cell phones, smart phones, and any other equipment that may be utilized to send or receive electronic communications.

Town Representatives means any employee, volunteer, official (whether elected or appointed), officer or agent of the Town in such person’s capacity as such.

Town Social Media or Town Social Media Platform means those Town Platforms that are characterized by live and interactive postings by users, such as the Town Facebook pages.

Town Website or Official Town Website means the official website/domain of the Town, with the url address of <http://norwich.vt.us/>

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

Section 2: Conduct of Town Representatives

Those designated and authorized to utilize Town Platforms shall do so with the understanding that they are representing the Town of Norwich via social media outlets and must conduct themselves in ways that do not impair the interests of the Town. Town officials’ use of Town

Platforms shall comply with this Policy, and the Town's Personnel and Sexual Harassment Policies. This includes any usage of Town Platforms from outside of the workplace.

Use of the Town of Norwich Zoom™ account is limited to Town of Norwich activities. Use of the account must be scheduled (as per scheduling of space for meetings) through the Town Manager's office. The Town Manager's office will be responsible for uploading meeting content onto the Town of Norwich YouTube™ account.

When a Town Representative responds to a comment in his/her capacity as a Town Representative, the official's name and title should be made available.

Information posted to Town Platforms is public information, and all comments and posts by Town Representatives are subject to Vermont's Public Records Law. Town Representatives should have no expectation of privacy regarding the information posted on Town Platforms nor in anything created, sent or received on Town electronic equipment.

The Town 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 Town business, Town Representatives are expressly prohibited from disclosing any information via comments or posts to Town social media platforms that is known or should reasonably be expected to be confidential.

Town Representatives shall not use personal accounts to disclose Town information whether on Town Platforms or otherwise. All Town Representatives are free to express themselves as private citizens in any forum other than the Town Platforms to the degree that their actions do not 1) suggest or imply that the views expressed are those of the Town or 2) post any content that violates this Policy as being confidential or constituting Town information.

This Policy shall be made part of the Town Personnel manual.

Section 4: Town Email system Rules and Responsibilities

- a. Users of the Town email system are governed by the following rules of conduct: 1) Comments containing, constituting, or linking to any of the following inappropriate forms of content shall not be permitted. 2) Content perceived by anyone to be inappropriate will be investigated by the Town Manager, or if written by the Town Manager, by the Selectboard.
- b. The following is not permissible: 1) Content that is profane, obscene, or sexual language; 2) 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; 3) Solicitations of commerce, including but not limited to advertising of any business or product for sale; 4) Disruptively repetitive content; Conduct or encouragement of illegal activity; 5) Information that may tend to compromise the safety or security of the public or public systems; 6) Malicious or harmful software or malware; 7) Defamatory or personal attacks; 8) Threats of violence or to

public safety; 9) Confidential, private, or exempt information or records as defined by State law; 10) Conduct that violates any federal, state, or local law; 11) Copyrighted materials in violation of State of federal law; or 12) Comments that are clearly unrelated to the subject matter of any post made on the platform by or on behalf of the Town of Norwich.

Section 5: User Comments – Rules and Guidelines

This Section applies to users who access or comment on the Norwich Police, Fire Department Norwich Rec Department Facebook pages and the Norwich Trails Committee website. This section's provisions governing user comments on Town social media platforms shall be displayed on all Town social media platforms or made available by hyperlink from the Town's official website. Users shall be informed that agreement to its terms is a prerequisite to participating in the Town's social media platforms.

All users to the Norwich Facebook pages and Norwich Trails Committee website must clearly identify themselves; anonymous posting shall not be allowed. A comment posted by a member of the public on any Town 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, the Town of Norwich, nor do such comments necessarily reflect the opinions or policies of the Town of Norwich. The Town of Norwich does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, websites, or content linked thereto.

Comments by authorized Town officials shall be allowed on Town 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 Town social media platform and are subject to editing, removal or restriction, in whole or in part by the Chief of Police, Chief of the Fire Department, or Town Manager:

- 1) Content that is profane, obscene, or sexual language;
- 2) 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;
- 3) Solicitations of commerce, including but not limited to advertising of any business or product for sale;
- 4) Disruptively repetitive content; Conduct or encouragement of illegal activity;
- 5) Information that may tend to compromise the safety or security of the public or public systems;
- 6) Malicious or harmful software or malware;
- 7) Defamatory or personal attacks;
- 8) Threats of violence or to public safety;
- 9) Confidential, private, or exempt information or records as defined by State law;
- 10) Conduct that violates any federal, state, or local law;
- 11) Copyrighted materials in violation of State of federal law; or
- 12) Comments that are clearly unrelated to the subject matter of any post made on the platform by or on behalf of the Town of Norwich.

Any content that is removed will be shared with the other content managers.

The Town of Norwich reserves the right to deny any user who violates this Policy access to posting to Town social media platforms. Users may be temporarily or permanently restricted from accessing Town 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 Town Manager. 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.

Section 6: Public Records Law – Compliance

Town 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 Town business, including material posted to Town social media platforms, may be a public record and therefore, there should be no expectation of privacy in regards to the information posted on Town 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 Town website and Town social media platforms including town of Norwich Trails Committee website shall clearly indicate that any content or comments posted or submitted for posting in whatever format are subject to public disclosure. Content related to Town 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 Town social media platform.

Section 7: Public Records Law – Retention

Relevant records retention schedules apply to content on the official Town website as well as to Town 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 8: Open Meeting Law – Compliance

With the exception of Selectboard Executive Sessions, all meetings using the Town of Norwich Zoom™ account must be recorded. Information on meeting date/time and Zoom™ access must be included in the Public Warning of the meeting. Print versions of minutes conducted using the Town of Norwich Zoom™ account will be posted on the Town of Norwich website.

All posts by members of the Town’s public bodies that relate to Town business are subject to Vermont’s Open Meetings Law. Members (elected or appointed) of any Town public body should refrain from using Town 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 Town public bodies may utilize Town 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, in the case of the Selectboard, or the Selectboard has charged the respective committee, provided that the use is authorized in accordance with and conforms to this Policy.

Information posted by the Town of Norwich 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 9: Enforcement against Town Representatives

Employees found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment in compliance with the Town of Norwich Personnel Policy, employment contract, or collective bargaining agreement as appropriate.

Approved April 8, 2020

Claudette Brochu, Chair

John Langhus

Roger Arnold, Vice-Chair

Mary Layton

Robert Gere