



## Social Media Policy

Bullet Points 6/11/21

Begin with a policy statement:

- The purpose is to provide guidance to members to clarify the boundaries between appropriate and inappropriate use of social media by fire department personnel. Acknowledge that inappropriate use of social media may lead to actual harm and disruption to the department in terms of the public's perception of the organization as willing to render services to them.
- Engaging in social media and social networking activities is a form of speech
- Nothing in these rules is intended to unlawfully restrict a member's right to:
  - discuss as a private citizen, matters of public concern, nor
  - engage in concerted activity with co-workers.
- Members have an affirmative obligation to avoid being perceived as a spokesperson for the department except when duly authorized
- Members cannot engage in speech that causes actual harm or disruption to the mission and function of the fire department

Definitions:

- **Spokesperson for the department:** an employee/member who makes a statement: on behalf of the department; in his/her capacity as an employee or member of the department; or in such a way that it may reasonably be attributed to the department as opposed to making the statement as a private citizen
- **Harassment:** is the systematic and/or continued unwelcome actions of one party or group intended to demean, threaten, intimidate, or alarm another party or group.
- **Hate speech:** is speech that attacks a person or group on the basis of attributes including age, race, religion, sex, sexual orientation, gender identity or expressions, genetic information, disability, national origin, ethnicity, citizenship, marital status, military service, or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances, indicating a level of intolerance or hostility



that is incompatible with a commitment to serve all members of the community. Included is speech that threatens violence or harm directed toward any person or group; encourages others to commit violence or harm directed toward any person or group; or threatens to or encourages others to withhold public safety services from any person or group.

#### 4 Key Points

1. No member, while speaking as a **private citizen** on a **matter of public concern**, shall speak in such a way as to cause actual harm or disruption to the mission and functions of the department.
2. Members may speak on a **matter of public concern** as a **spokesperson** for the department only with permission through the chain of command.
  - Members shall not hold themselves out as spokespersons for the department unless duly authorized.
    - Provide examples of ways that members may inadvertently hold themselves out as spokespersons, such as use of FD name or acronym in screenname, email; photos, logos or patches on web site; etc.
  - The use of titles, FD logos, FD owned images, or identification as a member of the department in social media that **creates the impression that the member is speaking as a spokesperson for the department** as opposed to speaking as a private citizen is prohibited.
    - Many alternatives: **strict approach** can prohibit any identification of member as an employee (not advisable in collective bargaining environment); can allow use of title with approval of chief; may allow use of department name and title in emails but not screen names; etc. In a collective bargaining environment, the strict approach should include the following exception: unless doing so is with other employees and/or employee representatives, and is for the purpose of engaging in concerted activities relative to workplace issues.
    - May require a disclaimer by members using FD identity
    - Each department needs to put considerable thought into the particulars of this provision and clear the language with legal counsel.

3. Members are **prohibited** from publically discussing fire department matters that are **not a matter of public concern**, unless doing so is for the purpose of **engaging in concerted activities** relative to workplace issues.

Note: In departments where employees do not have a right to engage in concerted activities the above provision may be edited to read as follows: Members are **prohibited** from publically discussing fire department matters that are **not a matter of public concern**.

4. Members shall not engage in speech that is **false, deceptive, libelous, slanderous, misleading or causes harm** to others, including speech that constitutes **hate speech**, or **harassment**; nor shall members discuss protected or confidential matters of the department, including:
  - matters that are under investigation,
  - patient and employee information protected by HIPAA/medical confidentiality laws, or
  - personnel matters that are protected from disclosure by law.

Additionally consider including a code of conduct:

- When engaging in social media or social networking activities, all personnel will maintain a level of professionalism in both on-duty and off-duty conduct that is consistent with the honorable mission of our department.
- Recommend voluntary (non-disciplinary) restrictions on expressions of condolences for LODD, injuries, sicknesses, accidents until the victim's family has been notified
- Use FD Facebook or Twitter to acknowledge that family notification has been made

**Consider prohibiting release or use of:**

- Department owned digital images, audio, video without department approval (ie. imagery created by on-duty personnel)



- Sexually explicit or illegal material

Note: “Department owned” imagery most likely constitutes a “public record”. The ability to restrict employees’ use of public records in your jurisdiction may be limited and should be researched by local counsel.

**Consider prohibiting members from:**

- Participating in social networking while on duty (recommended)
  - If necessary this restriction can be limited to video based social media activities.
  - Some departments may want to add a provision expressly allowing personal communications with family members (e.g. Parent may want to Skype or Facetime children, spouse). Must be personal not work related to avoid a public records issue.
- Participating in social networking from FD facilities or apparatus
  - The concern is about off-duty members engaging in a video chat using the station or apparatus as backdrop. If necessary this restriction can be limited to video based social media activities. The department may also allow for an exception with the written permission of the fire chief.
- Participating in social networking while identifiable as a member of the FD
  - Video chat in uniform/identifiable whether on or off duty, and whether in full uniform or partially in uniform
- Note: On-duty members discussing incident and/or work related matters in social media may inadvertently trigger public records requirements. This issue needs to be researched locally with your legal advisor for FOIA/public records issues.

Global Recommendation: Eliminate any language in any policy, rule, regulation or general order that states, suggests or implies that members are prohibited from disparaging the department, officers or members. Such language is likely to be struck down as a prior restraint on members’ First Amendment rights if challenged.