Developing a Social Media Policy

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City of Oneonta

5 Ws and an H

The who, what, where, when, why and how
of an effective social media policy.

Who?

Who?

- Municipal Attorney
- Common Council, Selectmen, Board, Approving Body
- City Administrator / City Manager
- Social Media Coordinator
- Information / Content Providers

Social Media Coordinator

- One person who oversees the posting of content
- Singular point of contact
- Oversees every page sponsored by your agency
- Ultimately responsible for the content and message

What?

What?

- Definitions
- Purpose
- Administration
- Accessibility
- Policy
- User Behavior / Expectation

Definitions

- Social Media
- Social Media Coordinator
- Comments
- Commenter

Purpose

- What are you hoping to accomplish?
- What is the intent of your page?
- Public vs Employee-related Policies

Administration

- Consistent moderation as a non-public, limited public, or designated public forum.
- Non-Public Forums
- Limited Public Forums
- Designated Public Forums

Honolulu Police Department: The $64,000 Question ($64,690.29)

- Involved deleting FB posts from a government agency FB page

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

BRIAN DAVISON,

Plaintiff–Appellee,

v.

PHYLLIS RANDALL,

Defendant–Appellant.

City of Elkhart, Martinsville police facing lawsuits after deleting Facebook posts

19-2994

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Mike Campbell,

Plaintiff–Appellee

v.

Cheri Toalson Reisch,

Defendant–Appellant

Trump Can't Block Critics From His Twitter Account, Appeals Court Rules

The First Amendment

noun

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

"But once the government chooses a platform that permits public comment, it has created a type of forum for nongovernmental parties' speech, and it is now bound by traditional First Amendment principles when regulating the speech of the commenters on the problem."

Helen Norton
"The Government's Speech and the Constitution"

Davison v Plowman
247 F.Supp.3d 767 (E.D. Va. 2017)

- **Off-Topic** comment removed from the Attorney's Facebook page
- Social Media Comments Policy

> We welcome comments to our Facebook page. Please follow the link to our social media comment policy before you post.
> **http://tinyurl.com/bt7mtzh**

- Qualified Immunity

Davison v Randall
912 F.3d 666 (4th Cir. 2019)

- First federal appeals court case to consider whether free-speech protections prevent public officials from barring critics from social media.
- Randall's page identified her as a "government official" and she used her page to notify and post about official duties and responsibilities as well as official actions taken by the Board.
- Randall: deleted comments; deleted original post and associated comments; blocked but then reinstated Davison.
- Court Decisions:
  - Official Capacity
  - Public Forum
  - Unconstitutional Viewpoint Discrimination

Where?

Where?

- Post it everywhere.
- Annual posting on your social media
- Post it on your website

When?

When?

- As Soon As Possible
- Update it consistently
- And update it on your page anytime there is a change

Why?

Why?

- L.I.A.B.I.L.I.T.Y.
- Because your constituents should know what to expect and know that you'll have an across the board, clear, policy that will be consistently adhered to

How?

How?

- Archival
- Removal of Comments
- Removal of People
- Hiding vs Deleting

So you've created a policy...

Now what?

Now what?

- What are you going to post and where?
- Create a page
- Post your policy

What are you Posting?

- News
- Updates
- Emergency Notifications
- Municipal Updates
- Videos / Photographs

Create a Page

- What kind of social media do you want to use?
- Who is your intended audience?
- Considerations
- Content

Post Your Policy!

Questions?

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