

## **Social Media Best Practices Q+A**

### **General Communication**

#### **Does not engaging in a community forum give a perception that you don't care about the community?**

Opting out of participation in a community forum may lead some to believe you're not fully connected to constituents, especially among those who actively engage in such forums. Assess the relevance of your participation based on how widespread participation in the group is and actual community needs rather than perceived expectations.

If asked about an issue or your opinion, a polite redirection to city resources for more information or a request for further communication via email can effectively manage expectations and maintain personal control over your account.

#### **What is the best way to engage with residents via social media and technology to share information and answer questions.**

Direct communication channels like email offer a more nuanced approach and control. For instance, through email, you can provide detailed explanations, selectively address inquiries, or forward to appropriate staff.

If you choose to utilize social media, prioritize disseminating information from official government sources and guiding residents to reliable online resources or appropriate contacts for issue resolution. Avoid soliciting feedback on policy solutions unless prepared to engage with all comments impartially, refraining from blocking or censoring dissenting voices.

It's important to recognize that some individuals may seek to exploit your platform for personal gain or to provoke unwarranted conflicts. Exercise caution to avoid being drawn into unnecessary disputes, as the adage suggests: " Never wrestle with a pig. You both get dirty, and the pig likes it."

#### **Can you delete an Official Account after it's been created and interacted with?**

For records management purposes, it might be more prudent to disable the account, ensuring that it's no longer publicly accessible while retaining the content for archival purposes. Alternatively, downloading the content and storing it securely allows for easy access if needed in the future, ensuring compliance with record-keeping regulations, and maintaining transparency.

A point of caution: Timing and communication matters. Be sure you aren't deleting or disabling an account to silence an individual or individuals. Viewpoint discrimination is actionable.

#### **How many city council offices run their own social media, in addition to a mayors office/city hall account? Why have both? How many only focus on one?**

Cities commonly consolidate all administrative, managerial, and legislative functions into a single

social media account. Though the most common exception to this is establishing an official account for the Mayor. However, there's no universally agreed-upon best approach in this regard.

What truly matters is assessing a city's capacity to effectively manage and sustain independent social media accounts. Maintaining a satisfactory level of engagement typically demands staff to dedicate anywhere from 10 to 40 hours per week, contingent upon the city's size. If a city lacks the resources to commit to this level of engagement, it's advisable not to establish additional social media accounts.

### **Can a city council member create a monthly podcast explaining their opinions and comments on actions or decisions being made by council and administration?**

Launching a podcast is safer, but it might inadvertently blur the lines whether an individual elected official is an official authority or spokesperson for the city. This could complicate other online activities, particularly in terms of the Supreme Court's recent decision regarding posting on social media platforms.

If the podcast allows for comments on its hosting platform, the comments would be subject to similar First Amendment protections granted to other social media channels, essentially functioning as a public forum.

### **Can a city council member be held accountable for making false claims on social media about other elected officials and city staff?**

The consequences of false claims on social media can be far-reaching. Individuals targeted by such claims may choose to take legal action, potentially resulting in defamation lawsuits and financial settlements. Spreading misinformation exacerbates tensions and division within the community, eroding trust and social cohesion. Ultimately, this undermines the unity and well-being of the entire city, sometimes for decades.

## **Blocking Accounts**

### **Can I legally block a troll?**

As elected officials, it's essential to maintain a balanced presence on social media platforms. While you have the right to manage your personal accounts, it's important to recognize the distinction between personal and public roles and ensure the public understands where you have drawn the line.

When it comes to your personal accounts, you're well within your rights to block individuals who engage in disruptive behavior or harassment, regardless of their political views (with the caveat that the rules change if you label the account (or yourself) as being owned or managed by you as a public official, or if you use the account to engage with the public on matters of public concern that are within the authority/purview of your public position). However, it's crucial to uphold the principles of free speech and open dialogue in a limited public forum when managing accounts tied to your public office.

Comments should only be moderated when they violate legitimate First Amendment time, place, or manner restrictions. This may encompass comments that pose legitimate threats, promote illegal activities, contain malware links, or infringe upon copyright. However, it's important to note that this approach typically excludes comments containing hate speech or basic profanity. It's generally better to hide a comment, rather than deleting it.

### **Can I ban a troll from posting on our city website?**

No. Blocking critics in a forum hosted on your website raises constitutional concerns, related to free speech just like social media.

### **What if you're both an elected official and you face a public facing job, if a troll goes to my workplace's fb page to attack me, can my workplace delete our block them?**

Private entities are not bound by the same First Amendment requirements as government entities, *unless* they label the page/bio with their official position or use the page to engage on public issues within their official authority/purview. They have the discretion to block accounts and delete posts on their platforms according to their own terms of service or community guidelines.

## **Deleting or Hiding Comments**

### **What if you list your public CC as mediated?**

**If your policy (that is posted on your social media page) explains what type of comments may be deleted, is that okay? (I.e. profanity)**

**Can you give a warning like "discriminatory, obscene, or profane comments will be removed"**

**Can you hide comments instead of blocking people?**

**Should you delete comments on official pages, or just hide them for GRAMA and public records reasons?**

Operating an account/page tied to your role as an elected official (or using your individual account in that manner) designates it as a limited public forum, even if you've indicated that comments are moderated. In such forums, it's impermissible to hide/delete comments or block individuals solely because you disagree with their viewpoint.

In situations requiring moderation due to violations of the First Amendment time, place, or manner restrictions, it's generally safer to hiding comments.

**What about comments/people that threaten the elected official? Can comments be deleted if explicit?**

The distinction between a "threat" that's protected by the First Amendment and one that is not lies in the context and intent behind the statement. You will want to consult with your city attorney.

A threat that is protected by the First Amendment typically involves speech that, while alarming or unsettling, does not constitute a genuine intent to cause harm or violence. This may include hyperbolic or exaggerated statements made in jest, political rhetoric, or expressions of frustration that are not intended to be taken seriously. For example, someone may say "I'm going to fight Councilmember Smith with everything I have over that policy,"

On the other hand, a threat that is not protected by the First Amendment involves speech that conveys a clear and credible intent to cause harm or violence to an individual or group. This may include statements that are specific, direct, and sincere in their intent to inflict harm, such as explicit threats of physical violence, acts of terrorism, or intimidation tactics. For example, "I am going to bomb Councilmember Smith's home."

It's better to hide a comment than block an individual.

### **Do deleting a comment and hiding a comment have the same effect?**

Do not delete or hide a comment on an official account, unless it violates the First Amendment time, place, or manner restrictions. Deleting a comment and hiding a comment do not have the same effect. When you delete a comment, it is permanently removed from the page and is no longer visible to anyone. On the other hand, when you hide a comment, it remains on the page and is accessible for records but is only visible to the person who posted it and their friends. Other users visiting the page will not be able to see the hidden comment.

### **What if you're both an elected official and you face a public facing job, if a troll goes to my workplace's fb page to attack me, can my workplace delete our block them?**

Private entities are not bound by the same First Amendment requirements as government entities (unless their page becomes public by use or practice). They have the discretion to block accounts and delete posts on their platforms according to their own terms of service or community guidelines. This flexibility allows private entities to manage their platforms in a manner they deem appropriate, often with the goal of fostering a certain atmosphere or protecting their brand reputation.

## **Maintaining a Personal Account**

### **Can your private page still be used to "share" city posts with out becoming public and open to harassment?**

### **If I share a post from my public social media account on my personal account, does it put my personal account at risk from protections?**

### **What about sharing posts from the City FB/IG page on my personal page, that only prompt logistical questions? Does that set me up for potential problems?**

As an elected official, you have the option to share city information on your personal social media page in a manner consistent with how any other resident might share such content. Avoid posting information that isn't already publicly available elsewhere and refrain from making official

announcements or soliciting feedback on municipal matters related to your role as an elected official on your personal account. Doing so could potentially subject your personal account to private scrutiny and may blur the lines between your personal and official capacities.

Engaging with logistical inquiries is reasonable, especially when the information is readily accessible elsewhere. However, if the information shared is not already public knowledge, there's a risk of jeopardizing the status of your personal profile.

### **Can you share to your personal page from your elected official public account and still be able to maintain your personal rights for blocking/deleting, etc.?**

Sharing your own page posts to your personal page could potentially expose you to risk. If you're sharing information to solicit feedback or if the original post requests feedback, you may inadvertently compromise the protections typically afforded to your personal account. It's important to exercise caution when sharing such content, as it could blur the lines between your personal and elected official roles/online presence.

## **Community Forums**

**An elected official in our city runs a social media "community page" in our city and regularly shares info that is directly city related and references their position elected official. What guidance would you suggest to this individual to help avoid liability upon them and the city, and/or community misinformation, etc.**

**What do we do when residents ask questions of council members on non city sites? Can more than one of us respond?**

When interacting with residents on Facebook groups and neighborhood pages, it's important to maintain boundaries to safeguard control over your personal account. Focus on sharing verified information from official government sources and directing residents to dependable online resources or relevant contacts for addressing their concerns.

In addition, it's crucial to consider the broader implications of your responses in informal online forums. Your interactions serve as a model for residents, shaping their perceptions of the most effective means of engaging with city officials for issue resolution. It's essential to educate residents on the proper channels for communication with the city, guiding them towards the formal processes designed to address their concerns efficiently.

For example, inquiries may be more appropriately directed to a service request tracking system or a specific department equipped to handle the issue at hand. By promoting awareness of these established procedures, you empower residents to navigate city services effectively and ensure that their needs are addressed through the appropriate channels.

Finally, avoid initiating discussions on policy solutions or entering dialogue that could potentially violate government record-keeping and transparency regulations. By exercising caution in your online interactions, you can uphold accountability while effectively serving your constituents.

**What if the group specifically excludes city officials from having any control of the page?**

Since community pages are typically operated by private individuals, their moderation practices may not align with the standards expected of government-run platforms. When utilizing community pages to disseminate city information, there are inherent risks due to the lack of control over moderation actions such as blocking users or deleting content. This situation may lead to questions regarding First Amendment protections and compliance with government records laws. Therefore, it's important for elected officials to carefully consider the implications of using such platforms for official communications to ensure transparency and compliance with legal requirements. Using private forums to express your opinions on public issues that are within your authority may invite a lawsuit.

**Do the rules about answering questions on a community fb group page from your personal page apply to appointed positions as well ( such as planning commissioners) or does it only apply to elected officials?**

Yes. Planning commissioners, other appointed officials, and staff are subject to the same scrutiny.