**Sample Fire Department Social Media Policy (07/29/2021)**

This is a template, and municipalities should customize this policy to meet local needs. Numerous cases are pending in our appellate courts on the topic of social media posts by public sector employees. Before adopting this policy, MTAS recommends having the policy reviewed by the municipal attorney to ensure it complies with the most recent court opinions on social media postings by public employees.

NOTES on two parts of the sample policy:

In paragraph 9 of Section D, there is language that includes “vulgar, obscene, or indecent terms; the posting of materials of a pornographic nature.” This language is there because many people find such things offensive, and these things are certainly not professional. However, limiting such expression may be considered overreaching by some courts, so be careful with enforcement of this section of the policy if you choose to leave this part in the policy.

The paragraph below is paragraph 11 in Section D. This language does not address department concerns, and it is included more as a warning to fire department personnel that they may be civilly liable for their actions. Leaving it in does no harm, but it may be deleted if desired without affecting the rest of the policy.

11. Members should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization, otherwise known as defamation, to include:

a. publishing or posting private facts and personal information about someone without their permission that has not been revealed previously to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

b. using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or

c. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

**This informative page is NOT part of the sample policy**

PURPOSE:

The purpose is to provide guidance and direction to <Anytown> Fire Department members to clarify the boundaries between appropriate and inappropriate use of the Internet and social media by fire department personnel and to provide guidelines on the management, administration, and oversight of the use of social media that impacts the professionalism, safety, morale, and efficiency of the fire department.

This policy addresses social media in general terms as technology will outpace our ability to describe emerging technology and create policies governing its use. The 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. It is important to protect member’s careers while preserving the public’s confidence in the fire department.

Nothing in this policy is intended to unlawfully restrict a member’s right to discuss as a private citizen matters of public concern to the extent protected by the First Amendment. The First Amendment provides a guarantee that a person can say what they want, but it does not make a person immune from the consequences.

POLICY STATEMENT:

The public places a high degree of trust and confidence in the individual firefighters, officers, and the department, and it is important for the proper functioning of the fire department to maintain that level of trust and confidence. Any matter which brings discredit to individual firefighters, officers, or the department reduces public confidence and trust in our organization. This loss of trust impedes our ability to work with, and serve, the community. Professional behavior builds trust and confidence with the public.

The public has a right to expect that we will provide services to all members of the community without regard to 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. When the public lacks confidence in our ability to provide our services, they may delay reporting emergencies or refuse to report emergencies resulting in unnecessary death and destruction, thereby causing actual harm and/or disruption to our mission and function.

Engaging in social media and social networking activities is a form of speech. It is the policy of this department to respect the Constitutional and statutory rights of all members and the public. While all members have the right to use personal social networking pages or sites, members are public servants who are held to a higher standard than the general public regarding standards of conduct and ethics. Members have an affirmative obligation while using social media to avoid being perceived as a spokesperson for the <Anytown> Fire Department.

It is the policy of the <Anytown> Fire Department that all members will maintain a level of professionalism in both on-duty and off-duty conduct that is consistent with the honorable mission of our department, and in a way that will not cause actual harm or disruption to the mission and functions of the department.

SCOPE:

This policy applies to all career personnel, full-time employees, volunteers, and uniformed members of the <Anytown> Fire Department without regard to whether their social networking activity is conducted in or outside the workplace, while on or off-duty, anonymously, or through the use of pseudonyms.

BACKGROUND:

Facebook, Twitter, Instagram, and other social media outlets and systems are available and used by many people, including fire department personnel, and the fire department itself. Social media provides a valuable means of assisting the department in meeting community education, community information, fire prevention, and other related organizational and community objectives. This policy identifies possible uses that may be evaluated and used as deemed necessary by the fire chief. The fire department recognizes the role that social media tools may play in the personal lives of department personnel. The personal use of social media can affect fire departmental personnel in their official capacity as firefighters. This policy provides guidance of a precautionary nature as well as restrictions and prohibitions on the use of social media by department personnel. The department endorses the secure use of social media to enhance communication and information exchange, streamline processes, and foster productivity with its employees.

DEFINITIONS:

* *Blog:* A self-published diary or commentary on a topic that may allow visitors to post responses, reactions, or comments.
* *Department owned images or audio recordings*: Photographs, digital photographs, digital images, video recordings, audio recordings, or electronic files containing a graphic image or series of images, as well as any digital reproductions or copies of such photographs, digital photographs, digital images, video recordings, audio recordings, or files, owned by the fire department by virtue of the fact that they were taken and/or created in the course of the fire department’s business, including those made with equipment owned by the fire department member, such as, but not limited to, a cell phone. This definition expressly includes the live streaming of imagery whether or not recorded at the time of creation.
* *Harassment*: is the systematic and/or continued unwelcome actions of one party or group intended to demean, threaten, intimidate, bully, 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.
* *Post:* Content an individual shares on a social media site or the act of publishing content on a site.
* *Profile:* Information that a user provides about himself or herself on a social networking site.
* *Social media:* A category of Internet-based resources that enable people to communicate electronically to share and generate content in the form of text, videos, photos, audio files, podcasts, and other multimedia electronic communications and encourage other user participation. This includes, but is not limited to, social networking sites, such as Facebook, Instagram, and Twitter, YouTube, Wikipedia, blogs, and other sites (there are many social media sites, and this is only a representative list).
* *Social networking*: the act of connecting to others using social media
* *Social networks:* Platforms where users can create profiles, share information, and socialize with others using a range of technologies.
* *Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or any related forms of communication.
* *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.

INTRODUCTION:

Fire department members are cautioned that while acting as a spokesperson for the fire department, including when engaged in social networking in such a way that their speech may reasonably be attributed to the department, their speech is not entitled to First Amendment protection. This may involve speech that occurs both on-duty and off-duty. For this reason, members should ensure their personal social networking activities are conducted as private citizens.

PROCEDURE:

A. Fire Department Social Media

1. Determine strategy

1. Each fire department social media page shall include an introductory statement that clearly specifies the purpose and scope of the department’s presence on the website.
2. Social media page(s) shall link to or reference the fire department’s official city website.
3. Social media page(s) shall be designed for the target audience(s) such as the community, civic leadership, employees, or potential recruits.

2. Procedures

1. All fire department social media sites or pages shall be approved by the fire chief and shall be administered by the fire chief or his designee.
2. Social media pages shall clearly indicate they are maintained by the fire department and shall have the department logo and contact information prominently displayed.
3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies of the city.
4. Social media content is subject to the Tennessee Open Records Act.
5. Relevant records retention schedules apply to social media content and shall be followed
6. Content must be managed, stored, and retrieved to comply with open records laws.
7. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
8. Social media pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
9. Social media pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. Department-Sanctioned Use

The following rules apply to department personnel acting as a spokesperson for the department via social media outlets:

1. The use of department computers by department personnel to access social media is prohibited without authorization.
2. Department personnel shall always conduct themselves as representatives of the department and shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
3. Department personnel shall identify themselves as a member of the department.
4. Department personnel shall not post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, responses, activities, or work-related assignments without express written permission for the fire chief.
5. Department personnel shall never post photos of EMS patients treated by the fire department.
6. Department personnel shall not conduct political activities or private business when acting as a spokesperson for the department.
7. Department personnel shall not use personally owned devices to manage the department’s social media activities or in the course of official duties.
8. Department personnel shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

C. Potential Uses by Department

Social media is a valuable tool when providing information about:

1. road closures
2. special events
3. weather emergencies
4. updates on fire department programs and activities
5. major ongoing events in the jurisdiction that affect the entire community
6. employment opportunities – Persons seeking employment and volunteer positions use the Internet to search for opportunities.
7. Background Checks – For authorized members to conduct a background check on potential employees or volunteers.
	1. Candidates applying for employment must sign a release document enabling the department to conduct a background check using any resource including social media.
	2. The department has an obligation to include Internet-based content when conducting background investigations of job candidates.
	3. Searches should be conducted by Human Resources or with permission from the fire chief and only for the purposes of providing possible background material on an employee candidate.
	4. Information pertaining to protected class status shall be filtered out prior to sharing any information found online with decision makers.
	5. Persons authorized to search internet-based content shall be deemed as holding a sensitive position and shall keep and treat all information found as confidential.
	6. Search methods shall not involve techniques that are a violation of existing law.
	7. Vetting techniques using social media as one of many resources to provide valid and up to date information shall be applied uniformly to all candidates.
	8. Every effort must be made to validate internet-based information considered during the hiring process.
	9. An internet search shall not be the only mechanism used to provide background information on a possible candidate.

D. Personal Use, Precautions, and Prohibitions

Department personnel shall adhere to the following while engaged in personal social networking activities:

1. No member shall post, disseminate, or in any other way broadcast as a ***private citizen*** on a ***matter of public concern*** in such a way as to cause actual harm or disruption to the mission and functions of the department. Examples of conduct that courts have concluded may cause actual harm or disruption to the mission and functions of the department include posts that:
2. impair harmony among co-workers, neighboring departments, and operational partners,
3. has a detrimental impact on close working relationships among coworkers,
4. has a detrimental impact on the relations between the department and the community we protect, including 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, or
5. are contrary to the department’s regulations and harmful to the proper functioning of the department.
6. Members may post, disseminate, or broadcast on a ***matter of public concern*** as a ***spokesperson*** for the department only with permission through chain of command as outlined in Section B. Members shall always exercise diligence to avoid holding themselves out as spokespersons for the department except when duly authorized. The use of departmental titles, fire department logos, fire department owned images, or identification as a member of the department in such a way as to create the impression that the member is acting as a spokesperson for the department, or that the posting is attributable to the department, is prohibited unless duly authorized.
7. Members may not divulge information gained by reason of their position or authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the fire department without express written authorization from the fire chief.
8. Members are cautioned against the use of screennames or email addresses that may reasonably cause a person to believe that the member is acting as a spokesperson for the fire department. Examples include AFD\_Lieutenant\_Engine1, Anytown\_FF\_Jones, and similar forms. Members should avoid using signature lines in personal emails that include rank, title, and affiliation with the department, as this may give the impression that the member is speaking for the fire department.
9. The fire department acknowledges that members take pride in their role with the fire department, but members should use care when including the fire department’s name, logo, patch, photos of apparatus, and/or information about the department on personal social media outlets in such a manner that that creates the impression that the site may be an official fire department site.
10. Members are ***prohibited*** from posting, disseminating, or broadcasting fire department matters that are ***not of a public concern***, unless doing so is for the purpose of engaging in concerted activitiesrelative to workplace issues. Specifically, this provision does not prohibit members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities. However, members must ensure that while engaging in concerted activities they are not perceived as being a spokesperson for the department nor that the posting could be attributable to the department.
11. Members shall not post, disseminate or broadcast information that is known to be ***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:
12. matters that are under investigation;
13. patient and employee information protected by HIPAA and/or medical confidentiality laws; or
14. personnel matters that are protected from disclosure by law.

This provision does not prohibit members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities.

1. Members shall not post, disseminate, or broadcast department owned images or audio recordings unless authorized to do so, and unless such images or audio are available to the public pursuant to the public records law. If such images or audio have been released by the department as public records, members shall ensure that their subsequent use of such information is done in their capacity as private citizens, and not as spokespersons for the department unless authorized to do so.
2. Members shall maintain an appropriate level of professionalism and conduct so as not to post, disseminate, or broadcast in a manner that causes actual harm or disruption to the mission and functions of this department. This provision is not intended to restrict the content of a posting that is protected by the First Amendment, but rather is intended to apply to the use of vulgar, obscene, or indecent terms; the posting of materials of a pornographic nature; the use of threatening, harassing, or intimidating language; the use of speech that threatens or incites attacks on the basis of 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; or engaging in illegal activities.
3. Members are prohibited from using social media to harass, bully, discriminate, threaten violence or harm, or retaliate against a co-worker. Harassment, bullying, discrimination, making threats of violence or harm, or retaliation against a co-worker that would not be permissible in the workplace is not permissible between co-workers through social media, even if it is done off-duty, from home, or using personal computers or devices.
4. Members should be aware that they may be subject to civil litigation for publishing or posting false information that harms the reputation of another person, group, or organization, otherwise known as defamation, to include:
5. publishing or posting private facts and personal information about someone without their permission that has not been revealed previously to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
6. using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or
7. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
8. Members are prohibited from using department computers for unauthorized purposes including surfing the internet or participating in social networking.
9. Members are prohibited from engaging in social networking activities while on duty except as outlined in this section.
	1. Because social media is an emerging form of communication, the department permits members to engage in limited social media activity in the workplace and/or while on duty, such as receiving a personal text message or a telephone call of limited duration. Members choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/ on-duty social media activity, as appropriate.
	2. Members are prohibited from engaging in personal social networking activities that involves the recording or transmission of work-related imagery or audio while on duty; while on fire department property; while in fire department facilities; while on or in fire department apparatus or vehicles; or while in uniform or while wearing such portion of the uniform so as to make the member identifiable as a member of this department. This provision does not apply to department approved recording or transmissions. As pertains to this provision, the term imagery includes still photos or video taken and posted, disseminated, or broadcasted via the internet immediately or thereafter, as well as live streaming imagery.
	3. Members are further advised that social media activities that involve the posting or discussion of incidents or work-related matters online may make the communications subject to Tennessee’s Open Records Act creating legal obligations for them and the department. To the extent such postings and discussions trigger the public records laws members are required to comply with the department’s record retention policy.
	4. This provision shall not prohibit personal communications between a member and members of his/her immediate family that involve Facetime, Skype, Zoom, Google Meets, or similar platforms.
10. Department personnel shall understand that privacy settings and social media sites are constantly changing and shall never assume that personal information posted on such sites is protected.
11. Department personnel shall expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

VIOLATIONS:

1. Reporting violations.

a. Any employee becoming aware of or having knowledge of a posting or of any website or webpage in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

2. Violation of this social media policy may result in disciplinary action up to, and including, termination in accordance with the fire department’s disciplinary action policy.