

Speech, Expression, and Social Networking

415.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with member and public use of District social networking sites and to provide guidelines for the regulation and balancing of member speech and expression with the needs of the District.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, about matters of public concern, such as misconduct or corruption.

Members¹ are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

¹As used herein, the term "Members" shall apply to any user of District social media unless context clearly indicates otherwise, with the understanding that members of the public are not subject to disciplinary action by the District. All persons are subject to the restrictions of this policy when applicable.

415.1.1 APPLICABILITY

This policy applies to all forms of communication from District members or members of the public and includes, but is not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

415.2 POLICY

Because many of our citizens and other stakeholders utilize social media for news and communications, the District has developed its own social media accounts to share important public safety messages, keeping the public informed of our work and mission and delivering content related to the fire service. We rely on our own free speech rights to communicate our selected messages. Comments left on our social media sites reflect the view of the commenters, not the views of this agency.

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this District. Due to the nature of the work and influence associated with the fire profession, it is necessary that members of this District be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, East Pierce Fire & Rescue will carefully balance the individual member's rights against the District's needs and interests when exercising a reasonable degree of control over its members' speech and expression.

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415.3 SAFETY

Members should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of East Pierce Fire & Rescue members, such as posting personal information in a public forum, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include, but are not limited to:

- Disclosing the address of a fellow firefighter.
- Otherwise disclosing where another firefighter can be located off-duty.

415.4 SOCIAL MEDIA

Definitions:

Social Media - Websites and other online means of communication that are used by large groups of people to share information, ideas, personal messages, and other content (as videos); and to develop social and professional contacts. Examples include, but are not limited to, blogs, social networking sites like Facebook, MySpace, LinkedIn, Tik Tok, Instagram, or Twitter (X); media-sharing sites like Flickr and YouTube; and information-authoring sites (wikis) like Wikipedia.

Blog (short for weblog) - A personal online journal that is frequently updated and intended for general public consumption.

Wiki - Collection of web pages designed to enable anyone who accesses it to contribute or modify content. Wikis are often used to create collaborative websites and to power community websites.

Comments - any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a District social media account.

Approved Author - East Pierce Fire & Rescue employee who proposes a defined business use for Social Media, and the business use is expressly approved by the Fire Chief or designee.

- (a) Social Media tools allow East Pierce Fire & Rescue to maintain open, professional and responsive communications with members of the public and media. East Pierce Fire & Rescue will use social media for business purposes to increase public awareness of, and to promote the value and importance of, the District's programs and services.
 1. The intention for publishing a Social Media policy is to help all parties succeed in protecting District employees, partners, and the organization from illegal or damaging actions by individuals, either knowingly or unknowingly.
 2. This policy reflects a flexible approach because Social Media is constantly changing and the District continues to learn what approaches work best for the organization.

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3. Effective security, public disclosure, records retention and engagement with citizens and customers are a team effort involving the participation and support of every East Pierce Fire & Rescue employee and affiliate who deals with information and/or Social Media
- (b) Social Media tools at East Pierce Fire & Rescue for business purposes, which include, but are not limited to, promotion, public outreach and notification.
 1. Use of Social Media for a defined business purpose shall be:
 - (a) Approved by the Fire Chief or designee.
 - (b) Published using the approved District platform and tools.
 - (c) Administered by approved District authors. (Approval expressly granted by the Fire Chief or designee)
 - (d) All Social Media postings and exchanges are subject to state records retention and public disclosure laws, HIPAA and other applicable state and Federal laws or statutes.
 - (e) Employees have no reasonable expectation of privacy when using social media while on duty or using district equipment.
 - (f) If you maintain Social Media that promotes the District, you are responsible for reviewing responses to online posts, engaging in communications, and resolving any concerns.
 - (g) If an online participant posts an inaccurate, accusatory, or negative comment about the District or any of its employees, do not respond to the post without approval of the District.
 - (h) If an online participant posts offensive material (such as, but not limited to, pornographic images, racial slurs, or offensive or threatening language) the material will be removed immediately and the Fire Chief notified of the incident.
 1. The participant posting such material shall be blocked from posting any future posts.
 - (i) District computer systems may only be used for Social Media in accordance with the Employee use of District Electronic Communication and Computer Systems policy.
- (c) For Personal Use: Persons who choose to engage in Social Media for personal purposes assume any and all risk associated with that use.
 1. When an employee clearly identifies his or her association with the District and/or discusses his or her work, it is required that employees make it clear they are speaking for themselves and not on behalf of the Fire District by including a disclaimer such as: "The postings on this site are my own and have not been reviewed or approved by East Pierce Fire & Rescue."
 2. It is imperative that we set and uphold standards in order to protect the integrity, good name and image of East Pierce Fire & Rescue, and that of the fire service,

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in all postings of online or social media content, and in accordance with the Conduct of Personnel policy.

- (d) **Unacceptable Use of Social Media:** The following list is by no means exhaustive, but attempts to provide a framework for activities that fall into the category of unacceptable use of Social Media and communication tools as it relates to your employment with East Pierce Fire & Rescue. Personnel should contact their supervisor for questions about this guideline. The following activities are strictly prohibited, with no exceptions:
1. Posting or releasing information, on your personal or District social media, in violation of state or federal laws or statutes or that could breach the security of the Agency, including protected, proprietary, confidential, or sensitive information (e.g., HIPAA, medical, highly personal information about other employees, incident reports and photos, etc.), without prior permission from the Fire Chief or designee.
 2. Use of East Pierce Fire & Rescue logos, graphics, and intellectual property on non-department websites and/or social media is not allowed without the following exceptions:
 - (a) With approval of the Fire Chief
 - (b) When sharing posts from District websites and/or social media
 - (c) This does not apply to photos of District apparatus, equipment, facilities, and/or employees in uniform.
 3. Using Agency's social media or communication tools for personal commercial use.
 4. When publishing copyrighted material, direct or paraphrased quotes, thoughts, ideas, photos or videos, on District social media, give credit to the original publisher or author.
- (e) **Security**
1. Keep passwords secure and do not share accounts.
 2. Employees are prohibited from revealing any East Pierce Fire & Rescue confidential or proprietary information.
 3. Postings by employees from District e-mail address to Social Media sites is only allowed by approved authors. Approved authors have a business purpose for use of Social Media, and are expressly authorized by their supervisor and the Fire Chief (or designee).
 4. Outside the workplace, you have the right to participate in social media and networks using your personal email address. East Pierce Fire & Rescue logins or e-mail addresses should not be used as an identifier for personal use or to express personal opinions in Social Media. Information and communications that you publish on personal online sites should never be attributed to the District or appear to be endorsed by, or to have originated from, the District.

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- (f) **Enforcement-** Any employee found to have violated this guideline may be subject to disciplinary action, in accordance with the Discipline/Corrective Action policy and the Collective Bargaining Agreement.
- (g) Nothing in this guideline is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

415.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any internet site that is accessed, transmitted, received or reviewed on any District technology system.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including the District email system, computer network or any information placed into storage on any District system or device. This includes records of all keystrokes or Web-browsing history made at any District computer or over any District network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through District computers, electronic devices or networks.

However, the District shall not require a member to disclose a personal username or password or open a personal social website, unless otherwise allowed under Washington law (RCW 49.44.200).

415.6 CONTENT MODERATION

- (a) **Limited Public Forum.** District social media accounts are created and maintained as limited public forums under the case law pertaining to the freedom of speech clause of the First Amendment to the U.S. Constitution. The District invites members to view and, where possible and permitted, provide comments or other engagement on District social media posts. However, the law permits the District to hide and/or delete comments that are not protected speech under the First Amendment and relevant case law. As a general rule, the District will not hide and/or delete comments solely because such comments are critical of the District or its officials.
- (b) **Prohibited Content.** As indicated above, the following is a non-exhaustive list of social media comments/posts the District may hide or delete:
 - 1. Comments expressly advocating direct violence or other illegal activity;
 - 2. Comments containing or linking to obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value;
 - 3. Comments that are harassing, aggressive, purposefully incomplete, overtly misleading or promote discrimination on the basis of race, age, religion, gender,

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national origin, disability, sexual orientation, veteran status, or other protected class;

4. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser;
 5. Duplicate comments posted repeatedly within a short period;
 6. Comments containing actual defamation against a specifically named person or organization, either as determined by court or when the comments are patently defamatory by reference to easily discovered facts;
 7. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies us that the property was posted in a comment on our social media account.
 8. Comments that contain a hyperlink to any website other than those controlled by the District. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.
 9. Spam/bot-generated comments²
 10. Commercial speech
- (c) Retention. When a comment containing any of the above content is posted to a District social media account, a copy or electronic record of that content may be retained or archived pursuant to the District's records-retention policy, along with a brief description of the reason the specific content was deleted. Once documented, the content will be removed, where possible, from the District social media account.

² Whether a comment is spam/bot-generated will be governed by a standard of reasonableness.