

June 14, 2022

BOROUGH OF BRADLEY BEACH

RESOLUTION 2022-173

**ADOPTING AN EMPLOYEE SOCIAL MEDIA POLICY FOR THE PERSONNEL POLICY
AND INCORPORATED EMPLOYEE HANDBOOK**

WHEREAS, the Borough of Bradley Beach is in need of certain updates to the Borough of Bradley Beach Policies and Procedures Manual and Employee Handbook; and

WHEREAS, in light of recent changes to the law pertaining to the use of Social Media in the State of New Jersey, the Borough of Bradley Beach wishes to adopt an Employee Social Media Policy consistent with the laws of the State of New Jersey; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey that the Mayor and Council hereby adopts the following Employee Social Media Policy to be included in the Borough's Policies and Procedures Manual and Employee Handbook;

**SOCIAL MEDIA POLICY
BOROUGH OF BRADLEY BEACH,
MONMOUTH COUNTY, NEW JERSEY**

PURPOSE

This Policy sets forth guidelines for the establishment and use by the Borough of Bradley Beach, its officials, officers, employees, agents, designees, representatives and/or volunteers (collectively called "the Borough") of its social media sites (Facebook, YouTube, Twitter, Instagram, TikTok, Pinterest, Tumblr and/or any other similar type platform) as a means of conveying Borough-related information to its residents, citizens, employees, volunteers and/or visitors amongst others. The Borough has an overriding interest and expectation in deciding what is "spoken" on behalf of the Borough on its own social media sites.

The purpose of this Social Media Policy is to establish enforceable rules for the use of social media by Borough officials, officers, employees, agents, designees, representatives and/or volunteers when engaged in Borough business. Social media refers to, but is not limited to, Facebook, YouTube, Twitter, Instagram, TikTok, Pinterest, Tumblr and/or any other communication site/application that is open to response and/or comment. Rules are necessary to assure that communications made on behalf of the Borough are properly authorized and in correct form; that communications to the Borough by means of social media which can be viewed by the public are appropriate and pertinent; that all communications to anyone at or on the Borough's social media platforms is related to the posted municipal information; and, that the sender is clearly and fully informed that a message received by means of social media is not a substitute for required reporting procedures.

For purposes of this Policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, Facebook, YouTube, Instagram, Twitter, TikTok, Pinterest, Tumblr and/or any other communication site/application that is open to response and/or comment. For purposes of this Policy, "comments" include, but are not limited to, information, articles, and pictures. It also includes other communication medium created by the Borough, including but not limited to, Nixle, reverse 911 and/or the Public Education Government Channel.

SCOPE

This Policy shall apply to all Borough agencies and Departments, as well as any and all affiliated government or non-government agency and/or official and/or commission and/or council permitted by the Borough to post on Borough social media sites or volunteers or Borough board, commission and/or committees and/or its members who either post on Borough social media sites or post on social media sites in their capacities with the Borough.

GENERAL POLICY

The objective of the use of social media by the Borough or its Departments or its volunteers or its Boards, Committees and/or Commission or their members is to expand and facilitate the dissemination of information from the Borough to its residents, citizens, taxpayers, employees and in the general public.

1. No Borough social media site shall be established without prior approval of the Mayor and Borough Council.
2. The Borough social media sites shall clearly set forth that they are maintained by the Borough of Bradley Beach and that they follow this Social Media Policy.
3. Any and all Borough social media sites shall link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough.
4. The Borough's social media sites are not to be used for making any official communications to the Borough of Bradley Beach. Examples of such communications include, but are not limited to, reporting crimes and/or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by any statutes, ordinances, rules and/or regulations such as notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.
5. This Social Media Policy shall also be placed so it can be displayed and viewed on the Borough's website and/or all Borough social media sites.
6. The Borough Administrator and/or his/her designee shall monitor the Borough's social media sites to ensure adherence to this herein Social Media Policy and to the interests and goals of the Borough of Bradley Beach. The Borough has the right to and will restrict and/or remove any content that is deemed in violation of this Social Media Policy or any applicable law or violates the provisions of the Prohibited Content as set forth below. Any content removed based on these guidelines will be retained by the Borough Administrator and/or his/her designee pursuant to the applicable Borough Retention Policy, including the time, date and identity of the poster, when available.
7. These guidelines must be displayed to users or made available by hyperlink.
8. The Borough will approach the use of social media tools as consistently as possible, Borough-wide.
9. The Borough of Bradley Beach's official website shall remain the Borough's primary and predominant internet presence.
10. The Borough's social media sites and this Policy are subject to all applicable Federal and New Jersey laws and regulations, as well as applicable record retention requirements.

11. Employees and volunteers representing the Borough's government, via its social media site(s), shall conduct themselves at all times as a representative of the Borough and in accordance with all of its policies.
12. This Social Media Policy may be revised at any time by approval of the Mayor and Borough Council.
13. This Policy governs all social media use by or on behalf of the Borough and/or its Departments, boards commissions, committees, agencies, volunteers, etc.
14. Only the Borough shall establish and operate the social media sites indicated in Paragraph #1 above and approved for use by the Mayor and Borough Council. No other social media sites for the Borough shall be authorized.
15. All of the Borough's uses/users of social media are responsible for complying with applicable Federal, State, and County laws, regulations, and policies. This includes, but is not limited to, adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Record Act (OPRA), First (1st) Amendment, privacy laws, Open Public Meetings Act (OPMA or "sunshine law"), and information security policies (if applicable) established by the Borough.
16. All Borough of Bradley Beach policies are applicable to all interactions on social media sites when acting in an official capacity and representing the Borough.
17. No "friending" or other special relationship between a Borough official, officer, employee, agent, designee, representative and/or volunteer and a third (3rd) person is permitted on, and/or working on, a Borough social media site(s).
18. The Borough reserves the right to disable its social media accounts or people's access to said accounts either temporarily or permanently at any time. There is no guarantee of "uptime."

COMMENT POLICY

1. As a public entity, the Borough must abide by certain standards to serve all of its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing the Borough's social media sites is to disseminate information from the Borough of Bradley Beach about the Borough to its citizens, residents, employees and/or visitors.
3. A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only. Publication of a comment does not imply an endorsement of, or agreement by, the Borough nor do such comments reflect the opinions and/or policies of the Borough.
4. Any attempt to hack and/or otherwise compromise any of the Borough's website and/or social media sites will be immediately reported to law enforcement and the perpetrator shall be denied access to the sites immediately.
5. The Borough reserves the right to deny access to any and/or all of its social media sites and/or website for any individual, group or entity who violates the Borough of Bradley Beach's

Social Media Policy at any time and without any prior notice.

6. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the Borough reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of having Facebook take the appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
7. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of Twitter's Terms of Service, located at <https://twitter.com/tos>, and the Borough reserves the right to report any violation of Twitter's Terms of Service to Twitter with the intent of having Twitter take the appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
8. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of YouTube's Terms of Service, located at <https://www.youtube.com/t/terms>, and the Borough reserves the right to report any violation of YouTube's Terms of Service to YouTube with the intent of YouTube taking appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
9. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of Instagram Terms of Service, located at <https://instagram.com/tos>, and the Borough reserves the right to report any violation of Instagram Terms of Service to Instagram with the intent of Instagram taking appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
10. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of TikTok's Terms of Service, located at <https://tiktok.com/legal/terms-of-service>, and the Borough reserves the right to report any violation of Tiktok's Terms of Service to Tiktok with the intent of having Tiktok take the appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
11. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of Pinterest's Terms of Service, located at <https://policy.pinterest.com/en/terms-of-service>, and the Borough reserves the right to report any violation of Pinterest's Terms of Service to Pinterest with the intent of having Pinterest take the appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
12. All comments posted to any of the Borough's social media sites are bound by any applicable terms and conditions of Tumblr's Terms of Service, located at <https://tumblr.com/policy/en/terms-of-service>, and the Borough reserves the right to report any violation of Twitter's Terms of Service to Twitter with the intent of having Twitter take

the appropriate and reasonable responsible action. All of the Borough of Bradley Beach's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

13. Persons posting prohibited content shall be subject to being barred from posting comments on Borough social media immediately and without any prior notice.

PROHIBITED CONTENT

This prohibited content section applies to all visitor and/or users of any of the Borough of Bradley Beach's official social media sites/platforms which are subject to this herein Social Media Policy. Comments containing any of the following inappropriate forms of content shall not be permitted on any of the Borough's social media sites/platforms and are subject to removal and/or restriction by the Borough Administrator and/or Chief of Police and/or their designees:

1. Profane, obscene, violent, and/or pornographic content and/or language, and/or sexually suggestive and/or explicit content links to such materials. Any image or link containing minors or suspected minors in any questionable situations will be reported to law enforcement;
2. Content that promotes, fosters and/or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
3. Defamatory content;
4. Threats to any person or organization;
5. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
6. Conduct in violation of any Federal, State or local law;
7. Encouragement of any illegal activity or possible illegal activity;
8. Information that may tend to compromise the safety or security of the public or public systems;
9. Content that violates a legal ownership interest, such as a copyright, of any person or entity. The Borough does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and submissions if properly notified that such content and/or submission infringes on another's intellectual property rights;
10. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere; as well as personal information of a person other than the poster;
11. Spamming or repetitive content;
12. Comments from children under the age of thirteen (13) cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on a Borough media site, users acknowledge that they are at least thirteen (13) years old. Parents shall be responsible for any minor child's posting or comments;
13. Content that incites violence and/or could lead to violence;
14. Photographs and/or videos which violate any provision of this Policy;
15. Comments unrelated to the particular post being commented upon;
16. Comments which contain vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations; and,
17. Persons posting prohibited content are subject to being barred from posting comments on the Borough's social media sites.

Only the content approved by the Borough Administrator or designee and/or approved by the Chief of Police or designee for public release is allowed to be posted. Content of a sensitive nature shall not be allowed to be posted. Officials, officers, employees, agents, designees, representatives, volunteers, and/or vendors providing services to the Borough are prohibited from posting comments.

A “designee” or a person appointed by the Borough Administrator and/or Chief of Police is never allowed to transfer their Borough social media account information to anyone to manage and/or administer any Borough website or content, and/or allow anyone access to the Borough’s accounts on their behalf without prior written authorization from the Mayor and Borough Council.

BREACH OF POLICY

1. The Borough Administrator or Chief of Police and/or their designees may be required to remove internet postings on Borough social media sites which are deemed to constitute a breach of this Policy, as determined by the Borough Administrator or Chief of Police or their respective designees, subject to applicable archiving and retention requirements and without prior notice to the poster.
2. Any social media site created by the Borough remains the sole property of the Borough of Bradley Beach, including all the followers and friends generated by the site(s). If the person who created the site leaves the employment of the Borough, they must relinquish anything and everything related to the site including, but not limited to, user names, passwords and/or access codes or information.

TERMS OF USE DISCLOSURE *(to be posted on all Borough Social Media Sites)*

A. Information Disclaimer

By visiting this site, you understand and agree that this Borough of Bradley Beach website/social media sites is provided "AS IS". The Borough of Bradley Beach local government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about Borough of Bradley Beach local government. Portions of the information on this site may be incorrect or not current. The Borough of Bradley Beach local government, its officials, officers, employees, agents, designees, representatives and/or volunteers shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy -- Links To External Sites

The Borough of Bradley Beach local government site may contain links to outside websites. These websites are not owned, operated, controlled and/or reviewed by the Borough of Bradley Beach. These links are provided solely as a courtesy and convenience to you, the visitor. The Borough of Bradley Beach local government, its officers, employees, officials, agents, designees, representatives and/or volunteers, exercise no control over the organizations, views, accuracy, copyright and/or trademark, compliance and/or the legality of the material contained in these outside websites/social media sites. The Borough of Bradley Beach, its officials, officers, employees, agents, designees, representatives and/or volunteers do not sponsor, endorse and/or approve the information, content, proceeds, materials, opinions and/or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Borough of Bradley Beach local government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Borough of Bradley Beach local government website and/or social mediate site and/or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website/social media site to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by Borough of Bradley Beach or its officials, officers, employees, agents, designees, representatives and/or volunteers, and no fees have been received or solicited by the Borough of Bradley Beach for such reference.

D. Copyright and Trademark Limitations

The Borough of Bradley Beach makes no warranty that materials contained herein are free of copyright and/or trademark claims and/or other restrictions and/or limitations on free use or display. Making a copy of such material shall be subject to all copyright and/or trademark laws.

E. Use of material from this site

- (1) The Borough of Bradley Beach has made the content of these pages available to the public and anyone may view, copy and/or distribute *Borough of Bradley Beach local government information* found here without obligation to the Borough of Bradley Beach local government for non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.
- (2) The design of this site, original graphics, and original content are all copyrighted by the Borough of Bradley Beach and may not be re-engineered, distributed, modified, transmitted, re-used, reposted and/or duplicated without the express written permission of the Borough of Bradley Beach in each instance. All requests to use any part of the original design, code, graphics or content of this site must be made via e-mail to the Borough Administrator.

F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any Borough of Bradley Beach local government website/social media platform page(s) may result in criminal prosecution.

Seconded by Councilman Weber and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the June 14, 2022 Council Business Meeting.

Erica Kostyz, RMC, CMC
Municipal Clerk