



SELECT BOARD WORK SESSION AGENDA
September 22, 2020
School Dept. Administration Offices
230 North Road
Chelmsford, MA 01824

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, there will be no in-person attendance of members of the public at this meeting. Every effort will be made to ensure that the public can view the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

1. 6:00 PM CALL TO ORDER

2. GOALS

- Select Board
- Town Manager

3. CODES OF CONDUCT AND POLICIES

- Select Board Code of Conduct
- Town Manager Code of Conduct
- Internet Code of Conduct
- Social Media Policy

Documents:

[SB_CODE_OF_CONDUCT.PDF](#)
[TOWN MANAGER CODE OF CONDUCT.PDF](#)
[INTERNET CODE OF CONDUCT.PDF](#)
[SOCIAL MEDIA POLICY.PDF](#)

NEXT REGULAR MEETING DATE: **September 28, 2020**

Select Board Code of Conduct

1. A member of the Select Board, in relation to his or her community should:

- a. Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
- b. Realize that in creating and enforcing town policy, the Select Board may direct the Town Manager in setting priorities that affect policy, but that the day-to-day operations of the town are left to appropriate department heads.
- c. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
- d. Be well informed concerning the duties of a Board member on both local and state levels.
- e. Remember that he or she represents the entire community at all times.
- f. Realize that service on the Board is service to the community and not service for personal or political benefit.
- g. Abide by the ethics guidelines and Open Meeting Law, as established by the State.

2. A member of the Select Board, in his or her relations with the Town Manager, should:

- a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of, or the benefit of, the staff and residents of the community.
- b. Recognize and support the administrative chain of command and refer complaints to appropriate members of the administration.
- c. Give the Town Manager full responsibility for discharging his or her duties.
- d. Refrain from instructing or requesting assistance from Town department heads; instead all such activities should be handled through proper administrative channels through the full Board and the Town Manager.

3. A member of the Select Board, in his or her relations with fellow Board members, should:

- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
- b. Refrain from making statements or promises regarding the outcome of matters that will come before the Board until after having a full and fair opportunity to weigh the merits of an issue during a Board meeting.
- c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- d. Make informed decisions.
- e. Refrain from communicating the position of the Select Board, or other members, without prior Board approval.
- f. Be respectful of other Board members and their opinions.
- g. Respect the position of the Chair of the Board during meetings, and in managing meeting agendas.

4. A member of the Select Board, in his or her relations with Town staff, should:

- a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
- b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager and Administrative Assistant to the Select Board.
- c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
- d. Limit requests for staff support, and ensure that all requests go through the Town Manager's office.
- e. Ensure that any materials or information provided to a Select Board member from a staff member be made available to all Board members.

Town Manager Code of Conduct

- 1. The Town Manager, in relation to his or her community should:**
 - a. Realize that his or her basic function is to serve as the chief administrative officer of the town, with policy making the responsibility of the Select Board.
 - b. Realize that in undertaking the proper operation of town affairs, that the Select Board may direct the Town Manager by setting priorities that affect policy.
 - c. Realize that he or she is one part of the executive authority of the Town and should implement all Select Board decisions once they are made.
 - d. Be well informed concerning the duties of a Town Manager on both local and state levels.
 - e. Remember that he or she represents the entire community at all times.
 - f. Realize that service to the Town is service to the community and not service for personal or political benefit.
 - g. Abide by the ethics guidelines established by the State.

- 2. The Town Manager, in his or her relations with the Select Board, should:**
 - a. Endeavor to implement sound, clearly defined policies and programs that will direct and support the administration of the Town, or the benefit of, the staff and residents of the community.
 - b. Recognize and support the Select Board as the chief executive office of the town and refer policy concerns to the Board.
 - c. Assist the Select Board in the development of policy guidelines and directives.
 - d. Refrain from inserting himself in the policy decisions of the Board unless requested by the Board to offer insight or assistance.

- 3. The Town Manager, in his or her relations with Select Board members, should:**
 - a. Recognize that the Board's action at official legal meetings is binding and that he or she cannot seek action from the Board outside of such meetings.
 - b. Refrain from making statements or promises regarding the outcome of matters that will come before the Board until the Board has a full and fair opportunity to weigh the merits of an issue during a Board meeting.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Keep the Board fully informed as to the needs of the Town, and recommend to the Board for adoption such measures requiring action by them or by the Town.
 - e. Refrain from communicating the position of the Select Board, or other members, without prior Board approval.
 - f. Be respectful of Board members and their opinions.

- 4. The Town Manager, in his or her relations with Town staff, should:**
 - a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
 - b. Never publicly criticize an individual employee. Concerns about staff performance should only be made through private conversation.
 - c. Ensure that all requests from the Select Board go through the Town Manager's office.
 - d. Ensure that any materials or information provided to a Select Board member from a staff member be made available to all Select Board members.

- 5. No Surprises.**



TOWN OF CHELMSFORD INTERNET CODE OF CONDUCT

An Internet Code of Conduct applies to employees at all times, in and out of work hours, while using Town of Chelmsford computer equipment.

Town computer systems shall at all times remain the property of the Town and are to be used solely for work-related purposes and Town business. Town employees should not expect any right of privacy with respect to any use or activity on any Town computer system. The Town retains the right to periodically monitor and inspect all files, usage, and activity on Town computers by any and all Town employees. All electronic files and documents created on or passing through the Town's computer systems is the property of the Town.

Allowed Activities:

- **Accessing appropriate websites:** Employees should only access sites that are appropriate for use at work, meaning those related to job-responsibilities, news, research, and that are not likely to result in viruses infiltrating Town computers or IT systems.
- **Monitoring of employees internet usage:** Employee should be aware that their actions on the Internet can be monitored at any time.
- **Appropriate communications:** Employees must be careful of what is said to others and how it is said via email or the Internet. All internet data that are composed, transmitted, or received via Town computer communications systems is considered to be part of the official records and is the property of the Town of Chelmsford and, as such, is subject to disclosure to authorized town officials, law enforcement or other third parties.
- **Downloading safe files and attachments:** Employees should check with the Information Systems Manager before downloading files, open an e-mail attachment from an unknown source, or install software.

Prohibited Activities:

- **Sharing Offensive or Discriminatory Material:** Employees may not send, access or display offensive, discriminatory, obscene, threatening, harassing, intimidating, racist or disruptive data to any employee or other person.

- **Obscene Language:** Employees may not use or send profane or vulgar language or content via the Town's IT or communications systems.
- **Wasting Time and Resources:** Employees may not intentionally waste Town resources, which includes excessive internet browsing unrelated to job-responsibilities, excessive printing, or incurring fees, charges, or debts on behalf of the Town.
- **Sharing Usernames and Passwords:** The username assigned to each employee is for that employee's sole use, and must not be shared with other employees, except IT staff and those responsible for managing or maintaining the Town's computer systems. Employees will be responsible for all activities attributable to their username.
- **Downloading Illegal Software, Data, or Files:** Employees may not use Town computer systems to download or access illegal, "pirated" software, files, media, or other data not properly paid for or for which the employee has not been granted access rights by the original author or owner. Employees shall not download any files that may corrupt the Town's computer systems.
- **Violation of the Social Media Policy:** Employees may not use the internet in any manner that violated the Town's Social Media Policy, which includes, but is not limited to, the sharing of obscene, offensive, or discriminatory messages or images; expressing personal political views in a manner that reflects upon the Town; harassing, intimidating, or coercing members of the public.
- **Violate Proper E-Mail Etiquette:** Employees must communicate via e-mail respectfully and as one would communicate in-person. Employees should not share chain-letters, unsolicited mass e-mails unrelated to Town business images that could reasonably be interpreted as discriminatory, offensive, or stereotyping of any class of persons. Further, as a governmental organization, Town employees must not delete emails in a manner that would violate the Public Records Law and interfere with the Town's ability to comply with the Records Retention Schedule.

Enforcement

- The Town of Chelmsford's network is closely monitored and management may review employee files and communications to maintain system integrity.
- Failure to follow the code may result in the loss of access to the Internet and further disciplinary action up to and including termination. If applicable, external agencies may be involved because certain activities may constitute a criminal offense.

EMPLOYEE ACKNOWLEDGEMENT OF INTERNET CODE OF CONDUCT

This acknowledges that I have received and reviewed the Town of Chelmsford's Internet Code of Conduct ("Code"). By signing this form, I agree to abide by the Code and any guidelines promulgated thereunder, and I agree to review periodically any changes or modifications to the Code. I recognize that the law and associated Code regarding the use of Internet, electronic mail and the Town's electronic communications and information systems are continually evolving. Therefore, I understand that my regular review of the Code is required.

Print

Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.

Social Media Policy



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INTRODUCTION

This policy sets forth general guidelines that must be adhered to by any employee, volunteer, board/committee member-elected or appointed—and/or agent of the Town (hereinafter “Town employees et al”) with respect to the use of Town social media/social networking sites as well as non-Town sites when the user can be identified as a Town employee et al. The Town of Chelmsford permits utilization of social media sites and social networking sites to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. They provide the ability to publish articles, facilitate discussions and communicate information through such media to conduct official Town business. Social media sites facilitate further discussion of Town of Chelmsford government business operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

Questions regarding this Policy should be directed to the Town Manager or designee. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. This Policy may be amended from time to time and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Chelmsford.

SCOPE OF POLICY

This Policy applies to Town employees et al, during work hours and after work hours, while engaging or causing others to engage in social media. Town employees et al working with third parties are responsible for assuring that such third parties are properly trained on this Policy, and for monitoring their activities to ensure the third parties adhere to this Policy.

This Policy shall not be interpreted to preclude, impair or limit the right or ability of Town employees et al to communicate about terms and conditions of employment, and issues directly related thereto, as allowed by M.G.L. c. 150E. Nor shall this Policy be interpreted to prevent Town employees et al, in their private capacity, from discussing matters of public concern through social media, so long as such discussions and content does not substantially interfere with workplace harmony and efficient internal operations.

DEFINITIONS

1. “Social media sites” and “social networking sites” refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes, but not limited to, tools, such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube and Instagram.
2. A “social media identity” is a specific user identify or account that has been registered on a third-party social media site.
3. A “blog” (an abridgement of the term web log) is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
4. A “Webmaster” is an authorized Town of Chelmsford official or employee, appointed by the Town Manager who reviews, authorizes and allows content submitted by the Town officials, employees and

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public commentators to be posted to a Town of Chelmsford social media site or sites.

5. A "tag" is an externally visible demarcation published by users that are used to identify content by associating it with a keyword.
6. A "tweet" is a post or status update on Twitter.
7. A "post" is an announcement, statement, communication, or image shared through a social media site.
8. A "page" is a section of a social media site designated for and associated with a specific social media identity.

POLICY

1. All Town social media site posts and pages shall be:
 - a. approved by the Town Manager or designee and
 - b. published using social media platform and tools approved by the Town Manager or designee in consultation with the Town's Information Technology Department/Consultant.
2. All official posts and pages for the Town will be created or approved by the Town Manager, Department Head, or their designee.
3. Departments have the option of allowing employees to participate in existing social media sites, as part of their job duties, or allowing employees to create social media site posts or pages as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities, in their departments.
4. All Town usage of social media sites shall adhere to applicable state, federal and local laws, regulations and polices including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.
5. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws.
6. Each Town social media site shall include an introductory statement which clearly specifies the purpose and topical scope of the post, page, blog and social media/network site. Where possible social media site posts and pages should link back to the official Town of Chelmsford Official Website for forms, documents and other information.
7. Each Town social media site post or page shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town of Chelmsford.
8. All Town social media site posts and pages shall clearly indicate they are maintained by the Town of Chelmsford and shall have the Town of Chelmsford contact information prominently displayed.
9. The Town reserves its right to restrict or remove any content that is deemed to have been created in violation of this policy or any applicable law.
10. Town related social media content and comments containing any of the following forms of content,

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expression, or information shall not be maintained and shall be removed:

- a. Comments not topically related to the particular site or blog article being commented upon;
- b. Profane, obscene, or vulgar language or content;
- c. Comments or content that promotes, fosters or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status.
- d. Comments or content that are threatening, harassing, bullying, intimidating defamatory and/or illegal;
- e. Sexual content or links to sexual content;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Content that violates a legal ownership interest of any other party;
- i. Protected health information;
- j. Personnel information (except hiring and retiring announcements);
- k. Contracts for upcoming review, in discussion or negotiations; and/or
- l. Other information that is not public record or is otherwise privileged from public disclosure.

This provision of this policy is applicable to Town employees et al's personal and Town-related used of social media sites.

- 11. Town IT security and/or the Town of Chelmsford Internet Use Policy shall apply to all social media sites and articles.
- 12. All Town Webmasters shall be trained regarding the terms of this Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.
- 13. Town employees et al representing the Town via social media sites must conduct themselves appropriately as a representative of the Town at all times and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Chelmsford.
- 14. No Town or department social media site post or page shall endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers or other stakeholders, except with respect to acknowledgement of participation in a public event, fundraiser, or other Town-run activity.
- 15. Town employees et al found in violation of the Policy are subject to sanctions, loss of privileges and disciplinary action, up to and including dismissal from employment/removal from an appointed position. Such violations include, but not limited to, online conduct that adversely affects the Town employee et al's job performance, the performance of fellow employees, or otherwise adversely affects the residents, suppliers, vendors, people who perform work on behalf of the Town, the Board/Committee's reputation, the Town's reputation and/or the Town's legitimate interest in serving the residents of the Town of Chelmsford.

GUIDELINES FOR USE OF SOCIAL MEDIA SITES

- 1. **Town of Chelmsford Internet Use Policy.** Those covered by this Policy are also responsible for

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understanding and following the attached Town of Chelmsford Internet Code of Conduct.

2. **First Amendment Protected Speech.** Although the Town can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, harassing, or off topic, Town employees et al and Webmaster shall not use the moderation function to restrict speech with which the Town merely disagrees (i.e., subject matter restrictions). Town employees et al and social media site users have some First Amendment rights in posting content to public social media site pages hosted by municipalities. Webmasters must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above.
3. **Copyright Law.** Those covered by this Policy must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote an excerpt of someone else's work without acknowledging the source and, if possible, provide a link to the original. Finally, do not re-use images without determining whether the image is subject to a creative commons, or any other, license and if so which type; the source of an image or graphic must be acknowledged in accordance with the applicable license.
4. **Conflict of Interest.** Those covered by this Policy are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.
5. **Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, Sec.10 and G.L. c. 4, Sec. 7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations, including but not limited to HIPAA). Ask permission to publish or report on conversations that occur within the Town. Never post information about policies, plans or procedures that have not been finalized by the Town, unless you have received explicit permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.
6. **Consider Your Content.** Information on social media sites and associated with a government domain or a government identity are official government communications and therefore may be sought out by media outlets. A great deal of thought needs to go into how Town employees et al will use social media sites in a way that benefits both the Town and the Public. Town Employees covered by this Policy should not discuss rumors, political disputes, or personnel issues, for example.
7. **Handling Negative Comments.** Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, Town employees et al should expect that some of the feedback we receive will be negative. Some effective ways to respond to negative comments include:
 - (a) Providing accurate information in the spirit of being helpful;
 - (b) Respectfully disagreeing, or clarifying the Town's position; and
 - (c) Acknowledging that it is possible to hold different points of view.
8. **Respect Your Audience and Your Co-workers.** Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Online postings that disparage others based on race national origin, sex, sexual orientation, age, disability or religion and/or

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threaten or harass others are expressly prohibited. Employees may express themselves in their personal manner, but must do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory such as party politics and religion. Do not use a department's social media presence to communicate among fellow Town Employees. Do not express differences with fellow Town Employees on Town or department social media site posts or pages.

9. **Use the Social Media Site or Identity Only to Contribute to the Department's Mission.** When you contribute to a Town or department social media site or identity, provide worthwhile information and perspective that contributes to your department's mission of serving the public. What is published will reflect on the Town. Social media sites and identities should be used in a way that contributes to the Town's mission by:
 - (a) Helping Town employees et al perform their jobs better;
 - (b) Informing citizens about government services and how to access them;
 - (c) Making the operations of a department transparent and accessible to the public;
 - (d) Creating a forum for the receipt of candid comments from residents about how government can be improved; and
 - (e) Encouraging civic engagement.
10. **No Expectations of Privacy.** Social media site users should presume that all social media postings, regardless of privacy settings, are public and use their best judgment when participating in social media. Users of social media are cautioned that they should have no expectation of privacy while using the Internet. Online postings can be reviewed by anyone, including the Town.
11. **Media Inquiries.** Town or department social media identities or sites may lead to increased inquiries from the media. Employees should not speak to the media on the Town's behalf without the express permission of the Town Manager. If contacted directly by a reporter, Town employees et al should refer media questions to the Town Manager.
12. **Personal Comments.** If identified or identifiable as a Town employee et al, Town Employee et al profiles and related content should be consistent with the Town's social media policy. Town employees at al should specify when speaking as a resident or stakeholder, and not on behalf of or as an employee of the Town of Chelmsford.
13. **Defamation.** Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory *per se*. Avoid statements that may be interpreted as defamatory
14. **Records Retention.** Social media sites will contain communications sent to or received by Town officials and employees and are therefore Public Records. Ensure that the Town or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third-party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will

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not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town's or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites. Webmaster(s) shall confirm social media site retention schedules and establish procedures to ensure compliance with the Records Retention Schedule.

15. **Open Meeting Law.** Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively conveying the position of a member to a quorum of a governmental body regarding a subject within its jurisdiction and may constitute improper deliberation among the members of a board or committee in violation of the Open Meeting Law.
16. **Retaliation is Prohibited.** The Town prohibits taking adverse action against any individual for reporting a possible violation of this Policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible violation of this Policy or for cooperating in an investigation will be subject to disciplinary action, up to and including discharge.
17. **Liability.** The Town's insurance carrier may not provide for a legal defense if a Town employee et al is sued for conduct that is outside the individual's official duties and tasks. Speech deemed inappropriate may be subject to individual civil liability. Additionally, an individual may be held personally liable for any losses, costs or damages incurred by the Town related to violations of this Policy.

Failure to follow the Social Media Policy may result in loss of access to the Internet and further disciplinary action up to and including termination. If applicable, external agencies may be involved because certain activities may constitute a criminal offense.

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EMPLOYEE ACKNOWLEDGEMENT OF SOCIAL MEDIA POLICY

This acknowledges that I have received and reviewed the Town of Chelmsford's Social Media Policy ("Policy"). By signing this form, I agree to abide by the Policy and any guidelines promulgated thereunder, and I agree to review periodically any changes or modifications to the Policy. I recognize that the law and associated Policy regarding the use of social media and the Internet is continually evolving. Therefore, I understand that my regular review of the Policy is required.

Print Name: _____

Signature: _____ Date: _____

To be included in employee's personnel file.

