
ADVISORY BULLETIN

REGARDING THE USE OF SOCIAL MEDIA

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THE BENEFITS OF SOCIAL MEDIA USE

- [1] Social media can be a very effective tool for Members of Council. There are many available social media platforms including Facebook, Twitter, Instagram, and Snapchat, among others. These sites allow open and instant access to a Member's constituents as well as the Internet-using population more generally. An authentic and engaging social media presence will allow a Member to effectively communicate Council activities to his or her constituents in plain language and will invite direct interactions from community members, making them "part of the conversation".
- [2] The ability to meaningfully interact with the community and maintain a strong community presence makes social media a powerful tool for Members. Members can build or enhance their personal brand through the content that they choose to share with residents on social media and, in doing so, increase a Member's influence both online and in the community. Furthermore, social media can assist the member in gaining valuable insight and understanding from their constituents through their online interactions. This "give and take" can inform debate at Council and assist in the development of better policies for the City of Windsor as a whole.
- [3] When used in accordance with the **Code of Conduct**, social media empowers Members of Council to showcase the quality of the service that they provide to their constituents and can build goodwill between citizens and Council.

POTENTIAL DIFFICULTIES WITH SOCIAL MEDIA USE

- [4] For all of its benefits, social media can also be a very limiting platform. When users' Tweets are restricted to 140 characters, there is often very little room for nuance and context. Members have an obligation to ensure that their posts are accurate and not misleading.

- [5] Even when using “personal” accounts, Members must be mindful of the fact that they are still members of Council and, therefore, still represent the Corporation of the City of Windsor. This will be particularly true if an account is identified with the Member’s title such a “@CouncillorJaneDoe” or if a communication is directed to, or emanates from, the Member in their capacity and status as a Member of Council or if the post concerns a matter of public policy broadly construed.

As such, Members will be held to the same standards as they would be in any other public activity. **Members’ Interactions with other users on social media should be treated as though they are face-to-face conversations.**

- [6] All content that an individual publishes on social media is the individual Member’s responsibility. Due to the public nature of social media, any information posted often cannot be deleted or removed. Other users may, and often do, take photos or screenshots of information posted online. Furthermore, disclaimers such as “all opinions are my own and not those of the City of Windsor” or “retweets/likes are not endorsements” will not absolve a Member of his or her responsibility to adhere to the **Code of Conduct**.
- [7] Members must also be mindful that using their title on social media (i.e. @CouncillorJaneDoe) is akin to the use of official letterhead – stating one’s office conveys legitimacy and authority. When using social media in such a way, members should use rigorous judgment in addition to the guidance of the **Code of Conduct** and this Advisory Bulletin to determine what is appropriate to post.
- [8] At times, a Member may oppose City policies adopted by Council or other decisions taken by Council. When articulating this opposition on social media, it is imperative that the Member explicitly acknowledge that they are expressing their own individual opinion on a given matter, and not the viewpoint of City Council. In these instances, Members have a duty to the City, their fellow Councillors, and the public to represent Council proceedings and decisions in good faith. If a Member has changed his or her position on a particular issue, it is the Member’s obligation to advise Council of this change of views and, when communicating on this matter in the future, acknowledge the decision of Council and disclose how they voted, as well as their reasons for changing positions. [Note s. 14.1(e) of the **Procedure By-law** (98-2011).]

- [9] It must be noted that social media is an inherently commercial platform. Signing up for a social media account means that the Member is entering into a binding contract with a for-profit entity. Generally, these companies have complete control over the terms of use, and take no responsibility for any content posted or interactions between users.

SOCIAL MEDIA USE AND THE PROCEDURE BY-LAW

- [10] Members are advised that section 14.1 of the **Procedure By-law** (98-2011) requires that Members not use indecent, offensive words or insulting expressions at any time toward other Members of Council, Civic Administration, delegations, or members of the public. Furthermore, Members shall not speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status, or disability. As was noted above, Members shall not criticize any decision of Council except for the purpose of introducing a motion for reconsideration under Section 13 of this By-law. These prohibitions apply to social media just as they would to any other situation. Failure to comply with the **Procedure By-law** constitutes a violation of the **Code of Conduct** as well.

SOCIAL MEDIA USE AND THE CODE OF CONDUCT

- [11] Section 3.3 of the Corporation of the City of Windsor's Social Media Policy states that social media sites representing the Mayor and City Council are governed by the **Code of Conduct for Members of Council**. As such, any social media conduct from a Member's official account that contravenes the **Code of Conduct** will be assessed in an identical manner as any other conduct.
- [12] In addition to the **Code of Conduct** and the City's **Procedure Bylaw** (By-law 98-2011), Members are governed by the *Municipal Act*, the *Municipal Conflict of Interest Act*, the *Municipal Elections Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Criminal Code* of Canada. By extension, the conduct of Members on social media is also governed by these statutory provisions.
- [13] The preamble of the **Code of Conduct** establishes the expectation of the highest standards of conduct from elected Members in order to protect and maintain the City of Windsor's reputation and integrity. Members are expected to govern their conduct on social media in a manner that promotes public confidence and will bear close public scrutiny.

[14] Though not an exhaustive list, the following sections in particular have the potential to be engaged through Members' social media conduct:

- Article V: Gifts and Benefits
- Article VI: Confidential Information
- Article VII: Use of City Property, Services, and Other Resources
- Article VIII: Election Campaign Work
- Article XII: Conduct at Council
- Article XVI: Discreditable Conduct

ARTICLE V: GIFTS AND BENEFITS

[15] Accepting any gift, fee, or personal benefit in exchange for social media activity or interaction (for example, accepting tickets to an event in exchange for a retweet or Facebook share) is an unacceptable use of social media and violates Article V of the **Code of Conduct**, with the exception of the list of acceptable gifts and benefits outlined in Article V.

ARTICLE VI: CONFIDENTIAL INFORMATION

[16] **The disclosure of any information deemed "confidential" is strictly prohibited.** The inherently informal nature of social media can cause Members to lower their inhibitions regarding what information they share. Therefore, any social media use that discloses matters deemed "confidential" under the *Municipal Freedom of Information and Protection of Privacy Act*, the *Municipal Act*, the *Municipal Conflict of Interest Act*, and the **Procedure By-law** is inconsistent with Article VI of the **Code of Conduct**.

ARTICLE VII: USE OF CITY PROPERTY, SERVICES, AND OTHER RESOURCES

[17] The **Code of Conduct** applies to any use of social media by Members, but there are more stringent requirements if the social media use is conducted through an account affiliated with the City or that uses publicly-funded resources. If the social media account is affiliated with the City, the Member cannot use or permit the use of City property for any activity other than the business of the Corporation, nor can City property be used to obtain a direct or indirect financial gain.

[18] Any social media behaviour from a Member's account or that uses publicly-funded resources outside of a Member's representative or official duties is inconsistent with Article VII of the **Code of Conduct**. This includes any content that promotes, or appears to promote, any third-party interest including events, products, services, or goods.

ARTICLE VIII: ELECTION CAMPAIGN WORK

- [19] Members must not use any City-affiliated account (i.e. @CouncillorJaneDoe) or any publicly-funded resources (i.e. City-provided Blackberry) to promote, or appear to promote, a political party or candidate for any level of elected office including party leadership campaigns.
- [20] Members are required to follow the provisions of the *Municipal Elections Act* and the **Code of Conduct** during election periods. Members must take affirmative steps to clearly distinguish between the use of social media for personal or election purposes, and the use of social media in their capacity as a City official.
- [21] To do so, Members must either remove any and all affiliation with Council from the account, such as the use of “Councillor” in the account name or the use of their City email as the point of contact, or must create an entirely separate account for the purposes of the election that does not constitute an official account or use City resources.

ARTICLE XII: CONDUCT AT COUNCIL

- [22] The expectation of decorum during Council meetings extends from a Member’s presence in the Council Chambers to their presence on social media. Any social media use that falls below this standard violates Article XII of the **Code of Conduct**.

ARTICLE XVI: DISCREDITABLE CONDUCT

- [23] All Members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation. The duty of Members to maintain decorum extends to their presence on social media. Social media use that does not meet this standard is highly inappropriate and is inconsistent with Article XVI of the **Code of Conduct**.

ACKNOWLEDGMENT

This Advisory Bulletin is informed by the Social Media policies and **Codes of Conduct** of other Municipalities, with particular acknowledgment to the work of Ms. Valerie Jepson, Integrity Commissioner for the City of Toronto.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, members of Council must seek written advice consistent with the provisions of Article XIX of the **Code of Conduct**.

If you have any questions or seek written advice on this matter, please contact:

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