

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SOCIAL MEDIA AND SOCIAL NETWORKING POLICY

1. AUTHORITY

This social media and social networking policy applies to all employees of the United States District Court, Eastern District of New York, including clerk's office, chambers staff, staff interpreters and court reporters (collectively referred to as the "employees").

This policy should be read in conjunction with the Code of Conduct for Judicial Employees, the Court's Employee Manual, the Internet/DCN Access Agreement, and Intern/dcn gtwy Wireless Network Agreement.

This policy is approved and administered by the Board of Judges and Clerk of Court. The absence explicit of, or lack of reference to a specific site does not limit the extent of the application of this policy. Where no or guideline exist, employees should use good judgment and take the most prudent action possible. Employees should consult with their manager, supervisor or appointing officer if uncertain.

2. USE OF SOCIAL MEDIA

Social media, professional networking sites, rapid-fire communications, blog sites, and personal web sites are all widespread, relatively new, communication technologies. The rules for use of this social media with respect to Court employment, however, are identical to the rules for use of other communication methods (such as writing or publishing, telephoning, or even conversation).

Many users of social media identify their employer or occupation. An employee clearly identifies association with the Court by using the employee's court email address to engage in social media or professional social networking activity. As stated in Section 6, the use of the employee's court email address to engage in social media or professional social networking activity is prohibited.

Employees must use good judgement and careful discretion about the material or information posted online.

3. PRINCIPLES

The Court's reputation for impartiality and objectivity is crucial. The public must be able to trust the integrity of the Court. The public needs to be confident that the outside activities of

employees do not undermine the Court's impartiality or reputation and that the manner in which the Court's business is conducted is not influenced by any commercial, political, or personal interests. Do not identify yourself online as a court employee. By identifying oneself as an employee of the United States District Court, a social networker becomes, to some extent, a representative of the Court, and everything he/she posts has the potential to reflect upon the Court and its image. It is acknowledged that without identifying oneself as a Court employee, an employee may intentionally or unintentionally reveal information that will allow the inference of Court employment. If this occurs, the employee assumes the responsibility for representing the Court in a professional manner.

4. RESPONSIBILITY

Any material, including photographs, presented online on a Court employee website, social media, or email or blog that pertains to the Court by any poster is the responsibility of the Court employee, even if Court employment can only be indirectly inferred or deduced. Personal blogs should not identify Court employment even indirectly; if possible, use your first name only. Do not reference or cite other Court employees without their express consent, and even then, do not identify them as Court employees.

5. RELEVANT TECHNOLOGIES

This policy includes (but is not limited to) the following specific technologies:

- Classmates
- Digg
- Facebook
- Flickr
- LinkedIn
- LiveJournal
- Instagram
- Personal Blogs
- Personal Websites
- Twitter
- YouTube
- Snapchat

6. RULES

Government time and equipment are for official use only. Use of social networking sites for official purposes (e.g., research related to your work) is permitted, subject to these guidelines. However, use of the court email address for social networking (for example, blogs, Facebook, Twitter) is not permitted. Use of an employee's court email address is subject to the same appropriate use policies pertaining to the use of the telephone, namely, limited personal use not interfering with the performance of work responsibilities. Email addresses should not be used for "chain" correspondence, solicitation of donations, transmittal of large audio, video or other large files, or any business enterprise.

The Court policy is not to identify yourself as a court employee at all in social media. While you can control what you post, you cannot predict nor control what others, even family members or friends, might post on your page or in a blog. Their actions, while harmless in intent, could end up embarrassing you, the Court, or worse yet, put you in danger.

Maintain professionalism, honesty, and respect. Consider your online dialogue as subject to the same bounds of civility required at work. As yourself, would it now, or will it someday, compromise or embarrass you or others if the post is seen by people beyond the immediate intended participants? Employees must comply with laws covering libel and defamation of character. Even non-Court specific behavior could have ramifications on your employment status (e.g. photographs in compromising or illegal situations).

Do not discuss your job responsibilities for the Court on the Internet. Be careful to avoid leaking confidential information. Avoid negative commentary regarding the Court. Any commentary you post that could reveal an association with the Court must contain an explicit disclaimer that states: "These are my personal views and not those of my employer." Again, remember that even harmless remarks could be misconstrued by litigants unfamiliar with court processes (such as pro se litigants).

Observe security protocol. Employees must take care to avoid doing things that would compromise the security of the courthouse, judges and personnel. To maintain security, do not post pictures of the courthouse, inside or outside; do not post pictures of court events; and do not post pictures of the Court's judicial officers.

Regularly screen social media or websites that you participate in to ensure nothing is posted which is contrary to the best interests of the Court. Should such items appear, it is your responsibility to contact your supervisor and then immediately delete the communication or information, even closing down your Facebook page, etc., as necessary.

Further, if any employee becomes aware of social networking activity of other staff that would be deemed distasteful or fail the good judgment test, please contact your appointing officer or supervisor.

7. PRODUCTIVITY IMPACT

The use of Court assets (computers, Internet access, email, etc.) is intended for purposes relevant to the responsibilities assigned to each employee. Social networking sites are not deemed a requirement for any position, and certain job titles are not permitted to access these services at work. For employees that are allowed to access these services, social media activities should not interfere with work commitments, and must comply with the signed DCN/Internet Access Agreement. Unless otherwise authorized by the judge, employees who work in the courtroom are prohibited from using computers, handheld wireless devices, bluetooth enabled earpieces and headsets, and other hands-free wireless devices, for non-work related reasons when court is in session or the courtroom is otherwise occupied.

8. COPYRIGHT

Employees must comply with all copyright laws, and reference or cite sources appropriately. Plagiarism applies online as well.

9. TERMS OF SERVICE OF SOCIAL MEDIA SITES

Most social networking sites require that users, when they sign up agree to abide by a Terms of Service document. Court employees are responsible for reading, knowing, and complying with the terms of service of the sites they use. It is not the policy of the Court to require employees to use pseudonyms when signing up for social networking sites; however, for some employees in sensitive positions, this might be wise. Employees should check with the Information Technology Department regarding any questions about Terms of Service agreements when accessing the Internet at work.

10. OFF LIMIT MATERIAL

This policy sets forth the following items which are deemed off-limits for social networking whether used at Court or after work on personal computers, irrespective of whether Court employment is identified:

Seal and Logos

The United States District Court seal and logos may not be used in any manner.

Politically Sensitive Areas

The Hatch Act, 5 U.S.C. § 7324 et seq., regulates the participation of government employees, as defined in 5 U.S.C. § 7322(1), in certain types of partisan political activities. Although the Hatch Act is not applicable to the Judicial Branch, the Judicial Conference has adopted similar restrictions. Canon 5 of the Code of Conduct for Judicial Employees prohibits all active engagement in partisan political activities, including, but not limited to, public endorsement of a candidate or contribution to a political campaign. The Code of Conduct should be consulted for a thorough understanding of the specific prohibitions on political activity contained in Canon 5. In addition, Advisory Opinion No. 92 provides guidelines for political activities.

Employees may not be seen to support any political party or cause. Employees should never indicate a political allegiance on social networking sites, either through profile information or through joining political groups. Employees should not express views for or against any policy which is a matter of current party political debate. Employees should not advocate any particular position on an issue of current public controversy or debate. If an employee is in doubt, they should refer immediately to their appointing officer, supervisor or manager.

Confidential Information

One of the most important obligations of employees is to ensure that non-public information learned in the course of employment is kept confidential. Confidential information is strictly forbidden from any discourse outside of the appropriate employees of the Court. Information published on a blog must comply with the Court's confidentiality policies. This also applies to comments posted on other blogs, forums, and social networking sites. Confidential information is not to be discussed or referred to on such sites, even in private messages between site members who

have authorized access to the information. Court employees should also refrain from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature.

Online Recommendations

Some sites, such as LinkedIn, allow members to "recommend" current or former co-workers. If an employee does this as a representative of the Court, it may give the appearance that the Court endorses the individual being recommended. This could create a liability situation if another entity hires the recommended person on the basis of the recommendation. Accordingly, the Court forbids employees to participate in employee recommendations for reasons of liability. All communication of this type should be referred to Human Resources for verification.

11. MONITORING EMPLOYEES' USE OF SOCIAL MEDIA

The Court reserves the right to monitor its employees' use of Social Media by monitoring its employees' Internet activities as set forth in the DCN/Internet Access Agreement. The Court further reserves the right to visit and monitor Social Media sites to ensure that employees are not violating our Court's Social Media Policy via employer supplied or other computers,

12. DISCIPLINARY ACTION

Employees who participate in online communication deemed not to be in the best interest of the Court may be subject to disciplinary action. Inappropriate communication can include, but is not limited to:

- Confidential Court information or data leakage.
- Inaccurate, distasteful, or defamatory commentary about the Court.
- Behavior or communication encouraging behavior that is illegal, grossly unprofessional or in bad taste.

Disciplinary action can include termination or other intervention deemed appropriate by Human Resources. Please refer to the Employee HR Manual for information on the appeal procedures for disciplinary actions (clerk's office employees only).

13. COURT REPORTER EXCEPTION

Official court reporters have an authorized business reason to establish and maintain websites that identify the Court as their place of employment.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SOCIAL MEDIA AND SOCIAL NETWORKING POLICY
AND ACKNOWLEDGMENT OF RECEIPT**

1. I acknowledge that I have received and read the Employee Social Media and Social Networking Policy for the United States District Court, Eastern District of New York.
2. I acknowledge that it is my responsibility to conform to the standards and procedures outlined in this document.
3. I certify that I will abide by the policies outlined in this document.
4. I understand that non-compliance with the policies outlined in this document may result in disciplinary action which may include suspension or termination.

Printed Name

Signature

Title

Date

Department

Telephone Number