

Employee Speech, Expression and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

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 or officer associations, about matters of public concern, such as misconduct or corruption.

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

1029.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the internet, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1029.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Colorado State University Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

1029.3 SAFETY

Employees should carefully consider 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 Colorado State University Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees will not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen):

- A. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Colorado State University Police Department or its employees.
- B. Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Colorado State University Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Colorado State University Police Department or its employees. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs or videos for compensation or distribution.
- C. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- D. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportation are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.
- E. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Colorado State University Police Department.
- F. Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- G. Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Colorado State University Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

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- H. Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practical to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the employee (e.g., social or personal website).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or officer associations, employees may not represent the Colorado State University Police Department or identify themselves in any way that could be reasonably perceived as representing the Colorado State University Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- A. Endorse, support, oppose or contradict any political campaign or initiative
- B. Endorse, support, oppose or contradict any social issue, cause or religion
- C. Endorse, support, or oppose any product, service, company or other commercial entity
- D. Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Colorado State University Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1029.4.2 CIVIL LIABILITY

Members should consider that they may be subject to civil litigation for:

- (a) Publishing or posting false information that harms the reputation of another person, group or organization.

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- (b) Publishing or posting private facts and personal information about someone that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person.
- (c) Using someone else's name, likeness or other personal attributes without that person's permission or for an exploitative purpose.
- (d) Publishing the creative work of another, trademarks or certain confidential information without the permission of the owner.

1029.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Instagram, SnapChat) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1029.5.1 OTHER PRIVACY CONSIDERATIONS

Members should consider that privacy protection varies among social media sites and personal information posted on such sites may not be protected.

1029.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- A. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- B. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- C. Whether the speech or conduct would reflect unfavorably upon the Department.
- D. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- E. Whether similar speech or conduct has been previously authorized.
- F. Whether the speech or conduct may be protected and outweighs any interest of the Department.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.