

**POLICY ON THE USE OF SOCIAL MEDIA
FOR COLORADO JUDICIAL DEPARTMENT EMPLOYEES -
COLORADO JUDICIAL DEPARTMENT**

SUPREME COURT OF THE STATE OF COLORADO

Adopted July, 2013

PURPOSE

The purpose of this policy is to:

- I. Recognize the growing use of social media by the Judicial Department and its employees;
- II. Recognize the value of social media networks as a means for data gathering in furthering the business needs of the courts and probation;
- III. Address the risks of social media activity and the need to adhere to the Colorado Judicial Department Code of Conduct and other applicable Department policies when using social media both at work and off duty in order to preserve public confidence in the integrity, propriety and impartiality of the judiciary; and
- IV. Avoid loss of productivity and distraction from employees' job performance.

SCOPE

For purposes of this policy, the term "social media" will be given broad interpretation and includes without limitation:

- I. Electronic, web-based technologies that allow instant, widespread and interactive communication; and
- II. Activities on the internet that involve posting by the employee, examples include, but are not limited to: blogging; podcasting; hosting or updating any form of website; posting comments, photos, other graphics, documents, links, status updates, or multimedia materials to a third-party hosted website; saving website bookmarks to a public site; filling out surveys; or sharing or participating in any other way on a social networking site such as Facebook, LinkedIn, or a micro blogging site such as Twitter; developing or contributing to a wiki such as Wikipedia or a virtual world like Second Life, etc.

APPLICABILITY

This policy shall apply to all employees (both contract and classified employees), interns and volunteers of the Colorado Judicial Department. Magistrate conduct is governed by this policy and the canons of the Colorado Code of Judicial Conduct. The conduct of Judges is subject to the canons of the Colorado Code of Judicial Conduct.

RISKS OF SOCIAL MEDIA ACTIVITY

Online communications may be perceived by court customers, vendors and the public generally as a representation of the communicator's character, judgment and values and could have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judiciary regardless of intent.

- I. Social Media posts should be presumed public and permanent. Social media posts can be copied, forwarded or subpoenaed. Such posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences."
- II. Once posted, there is little to no control over a post's dissemination or ultimate use. Posting some types of information on social media may be misleading (even though it is not so intended) and may jeopardize the person's professional image or reputation and, by extension, the Colorado Judicial Department. Employees

should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious or social opinions.

- III. Employees are personally responsible for comments posted on social media, and can expose themselves to personal liability for comments that are defamatory, obscene, discriminatory or otherwise offensive or unlawful.
- IV. Employees must be careful to comply with all copyright laws and reference or cite sources appropriately as laws against plagiarism can apply to online postings.

COMPLIANCE WITH OTHER POLICIES

Social media shall never be used in a way that violates the constitution and laws of the United States and the State of Colorado, court rules, or any Judicial Department state-wide or local policy, including the Code of Conduct, Anti-Harassment and Anti-Discrimination Policy, the Electronic Communications Usage Policy and CJSPR Rule 23, Political Activities.

OFFICIAL BUSINESS AND EMPLOYMENT RELATED USE OF SOCIAL MEDIA

Use of social media for official Judicial Department business related purposes is permitted only when approved by the administrative authority, State Court Administrator, Chief Information Officer or Director of Human Resources. Employees shall have no expectation of privacy associated with use of social media related to official business or employment purposes even where private technology resources are used.

PERSONAL USE OF SOCIAL MEDIA ON PERSONAL TIME

- I. The Colorado Judicial Department respects the right of employees to use social media as a vehicle for self-expression and public conversation. However, employees are required to comply with the following restrictions when using social media on personal time both at work and while off duty: When posting on a social media network an employee may identify her/himself as an employee of the Colorado Judicial Department generally, but may not post information or express opinions regarding employees, managers, Judges, cases, policies or procedures of the Judicial Department.
- II. Employee shall be responsible for regularly reviewing the social media and websites that they create or host and promptly remove third-party posts that (1) compromise court security or the safety of judges and employees; (2) reveal non-public court records or other confidential judicial information or (3) contain information that the employee could not have posted personally under this policy or the Code of Conduct.
- III. Employees must obey the law and the rules of the website or social network site in which they participate. Further, even if not explicitly directed by this policy, they should obey other applicable legal and ethical rules.

PROHIBITED ACTIVITIES

Notwithstanding any other provision of this policy, employees are prohibited from engaging in the following social media activities, whether the activity is done on or off duty and whether the activity is using personal or Colorado Judicial Department technology resources and regardless of whether Colorado Judicial Department employment is identified:

- I. Confidential or Non-Public Court or Probation Information: Disclosure of sensitive, confidential or non-public court and probation information, to include photos, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record is prohibited.
- II. Comment about Public Information: Posting personal opinions about a case or matter before the courts or probation; making statements which create, or give the appearance of, a conflict of interest as set forth in the Judicial Department Code of Conduct; and making statements which negatively reflect on the professionalism of the courts and probation or which otherwise have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judicial system and/or probation departments are prohibited.
- III. Political Activities: Making statements on social media which violate the Judicial Department's restrictions on political activities is prohibited.

- IV. Seal and Logos: The seal, logos, trademarks or service marks of the Colorado courts collectively, and any Individual court or judicial department or committee, may not be used in any manner without express permission from the administrative authority.
- V. Judicial Process: Employees must refrain from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature, including scans, photos, or reproductions of emails or text messages.
- IV. Dishonest Communications: Employees must avoid deceptive behavior and misrepresentations online, including false and defamatory statements and communicating electronically or creating websites or accounts while employing a misleading alias or suggesting that the employee is someone else. This provision does not apply to the routine and accepted practice on the Internet of employing a nickname or other opaque user name to create an account or make a posting, provided the user name is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

MONITORING EMPLOYEES' USE OF SOCIAL MEDIA

The Colorado Judicial Department reserves the right to visit and monitor public social media sites to ensure that employees are not violating this or other Judicial Department policies.

As a condition of continued employment, the Colorado Judicial Department may request employees to cooperate in any investigation regarding an alleged violation of this policy.

VIOLATIONS

Violations of this policy may result in corrective or disciplinary action up to and including termination from employment.

Originally adopted, July, 2013