



SOCIAL MEDIA COMMENTS POLICY - TERMS AND CONDITIONS FOR USERS

PURPOSE. Because many of our citizens and other stakeholders utilize social media for news and communications, we have developed our own social media accounts, which help us inform the public about our work and mission.

We have an important interest in assuring the accuracy and consistency of information associated with our social media accounts. We also respect the First Amendment to the U.S. Constitution, the rights outlined in our state constitution, and the right to freedom of speech. These terms and conditions establish guidelines for the public's use of our social media accounts that balance all these values.

DEFINITIONS

1. "Social media" means content (text, images, audio, links, or video) created or shared by us and communicated on our online accounts. The platforms on which we have created these accounts allow sharing, commenting, and other engagement. Examples of social media accounts we may use but are not limited to are Facebook, X, Instagram, YouTube, TikTok, and LinkedIn.
2. "Comments" include any content (text, images, audio, links, or video) posted to one of our social media accounts by a user.
3. "User" means a member of the public who views or interacts with one or more of our social media accounts.

GENERAL GUIDELINES

1. These terms and conditions apply to all our social media accounts. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on our social media accounts.
2. Users should know that social media posts we make – as well as comments and replies to those posts, and any direct or private messages sent to us -- may be public records subject to applicable public records release.
3. Our social media accounts are not monitored 24/7 and no one should utilize our social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.

4. We do not guarantee we will respond to comments or messages sent on our social media accounts.

EXPECTATIONS

We believe that honest, civil, and productive discussions provide the best environment for citizens to understand the work of their government and participate in constructive engagement. That's why we ask users to consider that our social media accounts may be viewed by children and other impressionable people. Please avoid profanity, personal attacks, bullying, or use of incorrect information.

CONTENT MODERATION

1. **Limited Public Forum.** Our social media accounts are created and maintained as limited public forums under federal caselaw pertaining to the First Amendment to the U.S Constitution. We invite members of the public to view and, where possible, provide comments or other engagement on our social media accounts. However, the law permits us to hide and/or delete comments that are not protected speech under the First Amendment and relevant federal caselaw. We will not hide or delete comments solely because such comments are critical of our organization, its officials, or its employees.
2. **Prohibited Content.** Relevant First Amendment caselaw permits us to hide or delete certain comments on our social media accounts. The following comments may be hidden or deleted:
 - a. Comments directly advocating violence or illegal activity.
 - b. Comments containing direct criminal threats as defined by local, state, or federal law.
 - c. Comments containing obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value.
 - d. Comments that directly promote or advocate for our organization to illegally discriminate based on race, age, religion, gender, national origin, disability, sexual orientation, veteran status, or any other legally protected class if such comments violate local, state, or federal law.
 - e. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, app, or browser.
 - f. Duplicate comments posted repeatedly within a short period of time.

g. Comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts. When a public figure is the target, the poster must act with actual malice for the comment to be defamatory.

h. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies us that the property was included in a comment on our social media account(s).

i. Comments that contain a hyperlink to any website other than those we control. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.

3. Retention. When a comment containing any of the above content is posted to one of our social media accounts and we proceed to hide or delete the comment, a copy or electronic record of that content may be retained pursuant to our records retention policy, along with a brief description of the reason the specific content was hidden or deleted.

4. Right of Appeal. If we hide or delete a user comment pursuant to these terms and conditions, that user has the right to appeal that decision by sending an email or letter to Operations Manager Daniel Sanchez at dansanchez@wccnm.org within five business days of our action. Mail to: Daniel Sanchez, Operations Manager WCCNM, 501 Mountain NE Albuquerque, NM 87102.

Upon receipt of an appeal, our attorney will determine whether the comment at issue contained content protected by the First Amendment. If the appeal is successful, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by the First Amendment, the user will be notified that the appeal was denied. The return correspondence, sent within a reasonable amount of time, will provide the user with a brief legal explanation for the action taken.

5. Blocking or Banning a User. When we determine that a user has violated these terms and conditions on three or more occasions within a 12 month rolling period, we may block or ban the offending user from the social media account where the violations occurred. If we block or ban a user, we will reasonably attempt to notify the user and describe the violation.

If the appeal is successful and the user has not violated this policy three times within a rolling 12 month period, we will unblock or unban the user from the social media account. If the appeal is not successful, our decision will stand.

6. Accounts of Government Officials. If, consistent with the test set forward by the U.S. Supreme Court in *Lindke v. Freed*, we determine that a social media account

maintained in the name of one of our government officials is a government account, such accounts will be maintained consistent with this policy.

###