



Date: May 9, 2024  
To: PERA Board of Trustees  
From: Doug Anderson, Executive Director  
Amy Streng, Policy Coordinator  
Subject: Social Media Terms of Use

The Board Workshop held on October 12, 2023 focused on issues related to Board Governance. Trustee Flaherty suggested that there should be a social media policy applicable to Trustees. The Trustees agreed and directed staff to research and bring back language for the Board to approve and include in the Governance Manual.

Attached is Staff's recommendation for a new section to the Governance Manual titled "Social Media Terms of Use".

**Staff Recommendation**

PERA staff recommends the Board approve the suggested Social Media Terms of Use for inclusion in the Board Governance Manual.



## MINNESOTA PERA BOARD OF TRUSTEES GOVERNANCE MANUAL

### 2.8. SOCIAL MEDIA TERMS OF USE

The purpose of these terms is to provide guidance to the PERA Board of Trustees on social media use and differentiate social media use on PERA's official accounts and a Trustee's personal accounts.

Nothing in this section shall prohibit or infringe on speech or expression that is protected by law.

- A. PERA's official social media accounts.** The Executive Director, who is appointed by the Board of Trustees, directs management of PERA's official social media accounts. Official social media accounts maintained by PERA, include but are not limited to, accounts on Facebook, YouTube, LinkedIn, X (Twitter), Vimeo, and Google Business.

These official accounts are not managed directly by the Board of Trustees.

- B. Trustee's personal social media accounts.** Trustees may maintain and use personal social media. Personal social media accounts include but are not limited to Facebook, YouTube, Instagram, TikTok, Snapchat, X (Twitter), Pinterest, Reddit, LinkedIn, Threads, and Google applications.

- 1. Conduct.** Trustees shall not engage in behavior that would adversely affect their ability to function in their position as a trustee, disrupt the business functions at PERA, or negatively impact PERA's ability to carry out its mission.

Trustees shall not use personal social media to speak on behalf of the Board or agency, or to indicate they are representing the interests of the Board or agency.

Trustees shall exercise caution with respect to comments they post concerning the Board or agency and follow the *prudent person standard* as defined in section 2.1 of the Governance Manual and Minn. Stat. § 356A04, subd. 2.

Trustees shall follow all applicable federal and state statutes regulations, and policies that apply to social media use. Trustees shall follow the *Code of Ethics, Appropriate Use of Electronic Communication and Technology* and the Minnesota Government Data Practices Act, as stated in the Governance Manual, as they apply to social media use.

Questionable social media use should be reported to the Board President, who will consult with the Board's counsel from the Minnesota Attorney General's Office as necessary.

- 2. Identification.** No Trustee may use PERA's name, logos, other official marks or images, websites, PERA's official social media account, or refer to their affiliation with the Board or agency in any manner that suggests or implies PERA support or endorsement of a point of view or personal or political opinion, business, activity, movement, or program that is not official PERA business.

Trustees shall not use PERA's brand, logo, or any other official marks or images on their personal online sites as an avatar, profile picture, or in any manner that would connote that the account is an official PERA account.

If a Trustee is using social media for personal reasons and identifies themselves as a PERA Trustee, the Trustee should use a disclaimer such as, "Views and opinions expressed are my own and do not reflect that of PERA".

- 3. Content.** A Trustee's comments on their own personal social media accounts must not impede the services provided by the Board or agency, disrupt PERA's workforce or operations, interfere with important working relationships, or negatively impact the ability of PERA to carry out its mission.

Trustees shall not conduct official Board or agency business through their personal social media account.

Trustees must be aware that regardless of intent, personal social media use may be perceived as expressing the agency's position or representing the agency as a whole.

Trustees shall not post data on social media that is classified as not public or private by the Minnesota Government Data Practices Act.

Social media users should not expect privacy on social media platforms, regardless of privacy settings. Private communications posted on the internet can easily become public.