

The Regional Municipality of York

Regional Council
June 30, 2022

Report of the Commissioner of Corporate Services and Regional Clerk

Revising the Council Code of Conduct to Incorporate Social Media Guidelines

1. Recommendations

Council revise its Code of Conduct to incorporate the social media guidelines set out in Attachment 1.

2. Summary

This report responds to Council direction from October 2021 for staff, *in consultation with the Integrity Commissioner*, to bring forward social media guidelines for potential inclusion in Council's Code of Conduct.

Key Points:

- The Integrity Commissioner considers the arbitrary blocking of social media users from open social media sites to be contrary to the Code of Conduct
- The Integrity Commissioner also noted blocking is necessary and appropriate in certain circumstances and a social media policy framework could provide helpful guidance to Members
- The proposed guidelines in Attachment 1 set out blocking should be limited to certain circumstances, and set certain expectations should a Member decide to block another user

3. Background

In a report from April 2021, the Region's Integrity Commissioner recommended Council develop guidance around social media use

At its meeting on [April 15, 2021](#), Council considered a complaint report from the Integrity Commissioner. The complaint centred around a Member blocking another user from participating on their open social media feed. As part of the findings, the Integrity Commissioner recommended "that a policy framework be developed to include some general guidance [on social media] for members".

In October 2021, staff were directed to develop, in consultation with the Integrity Commissioner, social media guidelines and/or requirements for inclusion in the Code of Conduct

On [October 14, 2021](#), Committee of the Whole considered a report summarizing approaches around governing social media for elected officials. The report illustrated there is no common approach for governing social media use by municipal elected officials.

Committee of the Whole directed staff to develop social media guidelines in consultation with the Integrity Commissioner.

4. Analysis

The Integrity Commissioner report from April 2021 notes arbitrary blocking on open social media profiles is contrary to the Code of Conduct but there are situations where blocking is appropriate

In its report, the Integrity Commissioner notes “arbitrary blocking on an open Twitter account contravenes the Code of Conduct principle ‘Members shall serve the public in a conscientious and diligent manner that promotes public confidence and will bear public scrutiny’”.

Open social media sites provide a vehicle for freely sharing and exchanging views on issues of interest. In this respect, there is a ‘public town square’ aspect to social media as contrasted with social media sites where a user must first register, or seek permission, before they can follow the account and participate in its discussions.

Elsewhere in report, the Integrity Commissioner recognizes there are circumstances where Members would be well within their rights to block or otherwise limit a user’s interaction on social media.

The guidelines presented within this report attempt to assist Members by providing examples of where blocking is acceptable and establishing requirements before Members block users

The guidelines included in Attachment 1 consider the recommendations set out in the Integrity Commissioner’s report. They set out some helpful definitions for Members and establish Members are entitled to block other users on social media in some circumstances. These include, but are not limited to:

- Posting illegal content
- Posting content that incites hatred, discrimination or is otherwise abusive
- Posting disinformation
- Trolling
- Spamming
- Harassment
- Posting off-topic information

However, the guidelines recognize most social media platforms have a variety of methods for managing interactions, such as muting, and in many cases blocking a user should be a last resort once other measures have proved ineffective.

Due to the significance of completely blocking a user from participating in online debate, the guidelines set some expectations should Members choose to take such action. When blocking another user, Members will be required to maintain a record of the following information in the following circumstances:

In All Circumstances:

- Identify who was blocked
- When the block was implemented

On Open Social Media Sites

- When and if it will be lifted
- Reasons for implementing the block, including screenshots or other records of offending posts where possible
- Mitigating steps, if any, taken to resolve the issues prior to implementing the block (e.g., issued a warning, reported user to platform administrator, consulted Integrity Commissioner)

Except in the case of Spamming and Off-Topic Information:

- Confirmation the reasons for implementing the block were communicated to the offending social media user

By collecting this information, Members can demonstrate any decision to block a user on an open social media site was not “arbitrary”. This should provide a measure of protection to Members if a blocked user subsequently complains to the Integrity Commissioner.

Members are encouraged to adopt a version of the guidelines for their restricted access social media pages (pages which require membership, registration or approval before a user may join the discussion).

The guidelines should also be helpful to members of the public and others who interact on a Council Member’s social media feed. They make clear what behaviour will not be tolerated and outlines the process by which users may be warned, blocked or otherwise have their interaction modified.

The Integrity Commissioner acknowledges the proposal provides helpful guidance to Members and supplied the following commentary

Social media provides an almost instantaneous and unfiltered means of communicating with constituents and the public, and is useful to inform constituents of positions on issues before Council, to collect information, and to ‘take the temperature’ of the community on contentious matters.

Regrettably certain behaviours on social media require Members not be passive with respect to information published on sites they host. Members are obliged to monitor their sites for offending content such as content which is hateful or discriminatory. To facilitate an effective

conversation, Members may also monitor their sites for information which is spam, or merely off-topic.

Where their site serves as an on-line version of the town square, Members must be careful they do not arbitrarily remove a user. Mere disagreement with the Member's position on a matter as expressed on an open social media site should not be grounds for blocking or muting a participant in a discussion.

The proposed guidelines are in keeping with a Member's Code of Conduct obligation to serve the public in a conscientious and diligent manner that promotes public confidence and will bear public scrutiny.

As noted in part D.1 of the Code:

Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner ... and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

The guidelines provide a practical means for Members to comply with their conduct obligations without imposing burdensome obligations. They will not only be useful to Members who host open social media sites but will support Members to set up conditions for participating on other social media sites they might administer.

5. Financial

There are no financial implications from this report.

6. Local Impact

This report recommends modifications to Regional Council's Code of Conduct and does not otherwise affect local municipal councillors.

7. Conclusion

Following an Integrity Commissioner report in April 2021, Council considered how social media use is governed in other jurisdictions and directed staff to report back with guidelines for potential inclusion in Council's Code of Conduct.

The proposed guidelines address the Integrity Commissioner's assertion that arbitrary blocking of a social media user is contrary to the Code of Conduct. The guidelines set out circumstances where blocking is acceptable and, in other cases, they indicate blocking should be a last resort where other methods of limiting participation have failed to have the desired effect.

Should a Member decide blocking is appropriate, they will be expected to collect certain information. This information should be sufficient to indicate the block was justified and not

“arbitrary”. This helps protect the Member in the event of a subsequent Integrity Commissioner complaint, and provides some certainty to other users as to how participation will be managed.

Council’s Integrity Commissioner is supportive of the proposed guidelines.

For more information on this report, please contact Christopher Raynor, Regional Clerk, at 1-877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.



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Attachment (1)
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