

## ACLU opposes proposed online behavior policy

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### From staff reports

The American Civil Liberties Union of Delaware sent a letter to the Dover City Council on Friday advising against the passage of a policy that would govern how municipal workers behave on Facebook, Twitter, blogs and other online social forums -- even when they're not on the job.

"No matter how distasteful or repulsive that speech may be, the Constitution's guarantee of free speech means the City of Dover may not prohibit it," ACLU-DE legal director Richard Morse wrote in the letter. "In this country, the government does not get to choose whether speech is acceptable, even when government officials fear harm that might be caused by the speech."

According to the policy drafted by Dover Human Resources Director Kim Hawkins, city employees would be prohibited from using social media during work hours unless their jobs require it. On their off hours, employees would be prohibited from posting disparaging comments about co-workers, their bosses or members of the public they might interact with during the course of their jobs. They also would be banned from making "negative comments" about individuals or groups based on legally protected characteristics like religion, race or sexual orientation; or "promoting" illegal activity, illegal drug use or violence.

If employees choose to identify themselves online as city personnel, the policy includes a recommended disclaimer they are supposed to attach to any online posts or comments.

Morse's letter said the town could open itself to a lawsuit if it adopts the proposal and employees are terminated.

Some council members have expressed concerns over the proposal.

"I have officially requested Ms. Hawkins revise or withdraw the proposed policy so that it complies with these concerns," Dover Councilman David Anderson said in an email.

Hawkins' proposal is scheduled to be heard at the Legislative, Finance, and Administration Committee meeting at 5:30 p.m. Monday.