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Owner:	Peter Edis
Policy Area:	Administrative
References:	

Social Media Use by Employees and Personnel

Policy:

McKenzie County Healthcare Systems, Inc. (MCHS) believes in the power of communication and that social media can provide an opportunity to connect with our communities and support the exchange of ideas. This policy addresses guidelines and best practices and establishes MCHS' expectations for use of social media on the public Internet.

Purpose:

To outline best practices and MCHS' expectations regarding use of social media as it relates to MCHS on the public Internet. However, nothing in this policy is intended, nor shall this policy be construed or applied, to prohibit, prevent, interfere with, restrain or coerce MCHS employees with respect to their engagement or participation in concerted activities, or in the exercise of rights afforded protection, under Sections 7 and 8 of the National Labor Relations Act, including the right of employees to communicate regarding the terms and conditions of their employment. Additionally, nothing in this policy is intended, nor shall this policy be construed or applied, to restrict or interfere with any employee's federal or state labor-law rights, or the employee's free speech rights under the First Amendment of the United States Constitution or under the North Dakota Constitution, or to violate any whistleblower protections afforded to an employee under federal or state law.

Responsibility:

- A. Compliance with this policy is the responsibility of all MCHS employees, members of the medical staff, contractors, volunteers, students and trainees, agents, and representatives of MCHS, (Individually, a "User", collectively, the "Users").
- B. Exceptions to this policy can only be made on a case-by-case basis by the MCHS Administrative Team.
- C. This policy applies to BOTH:

1. Use of social media as part of a User's job duties; and
2. Where applicable, the use of social media by a User separate from the User's required job duties or while on the User's own personal time.

D. MCHS Administration, Managers, and Supervisors are responsible for enforcement of the Policy and for taking appropriate corrective actions in the event of violations of this policy. In the event that the violation of this policy is by a member of MCHS' Medical Staff and such violation is also subject to corrective action under MCHS' Medical Staff Bylaws, policies, rules or regulations, the MCHS Medical Staff shall be responsible for taking appropriate corrective action against the member of the Medical Staff in accordance with MCHS' Medical Staff Bylaws, policies, rules, or regulations.

Guidelines and Procedure:

A. Introduction

This policy addresses guidelines and best practices and MCHS' expectations for use in social media on the public Internet. Social media are digital tools used to engage and interact with other members of a group on the Internet. Examples of social networking forums include online journals, personal websites, discussion boards/forums, web logs ("blogs," "video blogs," and "wikis"), photo-sharing sites like Flickr, content-exchange sites like YouTube, and social networking sites such as LinkedIn, Twitter, Facebook, or Instagram.

The following guidelines have been established to inform MCHS Users who:

- Are active in various social media networks;
- Post about MCHS and our outlying clinics as part of their jobs; and/or
- Voluntarily choose to connect or associate with or link to MCHS on their personal social media or networking accounts/profiles.

B. Keep in mind, anything published online cannot easily be removed and can exist for a long time. Also, even postings to private media sites cannot be guaranteed against further publication by others who view the private page. The following apply regardless of the online location or type of social-networking media and should be carefully considered before posting on any system-wide or information platform accessible to other individuals.

C. Procedures

1. *Employees' Reputations and Professionalism*

a. It is imperative that employees' online activities are respectful and professional to fellow employees, business partners, competitors, and patients. Online personas should be appropriate and professional, and employees posting on the Internet should use a personal e-mail address for identification; employees may not use their @mchsnd.org e-mail address unless prior approval for business purposes has been granted. If an employee wishes to use a pseudonym or anonymous persona for online postings, he/she must still abide by this policy.

b. Users should only conduct online activities that are business-related during their hours of employment. Postings in social media should be consistent with a user's professional responsibilities and work commitments.

2. Representing MCHS on Public Social Media Platforms

a. **Employees Do Not Represent MCHS.** Only those employees officially designated, such as certain Marketing/Public Relations staff and select others, may speak on behalf of MCHS. Unless specifically authorized, employees may not hold themselves out to be MCHS representatives.

b. **Intellectual Property of MCHS.** To protect MCHS' intellectual property, trademarks, and copyrights, the names, logos, and corporate identity of MCHS and its clinics may not be used without prior consent of MCHS management, unless such use is deemed to be 'fair use' or is otherwise non-infringing under applicable law. Also, MCHS users are expected to respect all intellectual property and property rights of MCHS contractors. To minimize the risk of an intellectual property right violation, Users should provide references to sources of information, and accurately quote and cite copyrighted works.

c. **Recommended Disclaimer.** The following language is recommended for all online postings in which you are identified as an MCHS employee: "The views expressed in this posting are my own and do not reflect the views of my employer." In order to avoid confusion, employees should communicate in the first person in a singular, not collective manner (e.g., "I believe..." not "We believe...") when posting to the Internet to avoid creating the impression that the User is speaking for or on behalf of MCHS.

d. **Participation in MCHS Social Media Programs.** Certain MCHS employees may be asked to participate by leadership in support of company organizational objectives. This type of participation on behalf of MCHS must be approved and directed through the MCHS Marketing/Public Relations Department. This department will provide direction and assistance to evaluate the business case and approval to develop new social media platforms.

3. Reputation of MCHS, its Facilities, Physicians and Employees

A large part of MCHS' business, and the livelihood of its employees, depends on our patients' confidence in the quality of healthcare MCHS provides. As such, employees should carefully consider whether their posts will have an effect on the reputation of MCHS, its affiliates, employees, patients, or visitors. Do not post sensitive personal information concerning a co-worker (e.g., concerning a co-worker's health), without the co-worker's permission, or confidential personnel file information. If an employee's personal online activities are inconsistent with official views or positions taken by MCHS, or would negatively impact MCHS' reputation or brand, the employee should either not refer to MCHS, not identify as an MCHS employee, or make clear that the employee's views are not necessarily those of MCHS.

4. Confidentiality

MCHS and its employees have a legal obligation to protect confidential information. This includes, but is not limited to, protected health information (PHI), trade secrets, clinical applications, information covered by MCHS' confidentiality policy, and information covered by any applicable confidentiality agreement.

a. **Patient Information (PHI).** Protected Health Information, as defined under HIPAA, means any information about a patient that (i) can be used to individually identify that patient, including but not limited to name, address, and other demographic information and (ii) that relates to the past, present or future health or condition of the patient, the provision of health care to the patient, or to the past,

present or future payment for health care provided to the patient. Accordingly, MCHS does not permit Users to refer to an individual patient or group of patients on the Internet, whether identified by name or not, if such reference would involve disclosure of PHI. Please refer to MCHS' HIPAA Privacy Policies.

b. Proprietary, Trade Secrets and Confidential Information. Information posted through MCHS' Intranet using social media is the property of MCHS. Unless specifically authorized, it may not be disseminated or forwarded outside of the MCHS network. It is also important to be aware of contractual obligations MCHS has related to the protection of information about vendors and/or independent contractors.

5. Legal Liability and Risks

When an individual posts information to a shared or public forum, he/she is legally responsible for his/her opinions and commentary.

- Employees should respect copyright, fair use, privacy, and confidentiality laws.
- Each user posts information at his/her own risk and should understand that outside parties can pursue legal action against a user based on the content of a posting.
- Users may be held personally liable by third parties for any commentary determined to be dishonest, defamatory, obscene, harassing, terrorizing, proprietary, libelous, or that may be deemed a breach of privacy or confidentiality.

6. Social Media Code. MCHS users are expected to:

- Know and follow company policy on Internet use, and online follow the social-media site use and rules for the tools you have chosen.
- Try to add value and reference worthwhile perspectives online.
- Be transparent, open, and honest and, above all, thoughtful when presenting opinions online.
- Do not post photos or videos of patients or any patient-identifiable information of any kind, unless you are doing so as a Public Relations/Marketing staff member for approved business purposes and appropriate authorizations to do so have been obtained from such patients.
- Be respectful and professional to fellow employees.
- Respect the audience, avoiding discriminatory and derogatory profanity, slurs, and insults.
- Argumentative or accusatory language should be avoided where possible.
- Immediately correct any mistakes and show the corrections where appropriate.
- Remember that individuals who post are personally responsible for their content.
- Take a minute to review any post or comment – be sure this policy is followed. If a personal Facebook, LinkedIn, Instagram (or similar medium) profile lists a User's affiliation to MCHS, that individual should take reasonable steps to protect the professionalism of the profile.
- Unless posting is part of an employee's job responsibilities, the employee should use his or her personal e-mail as the primary means of identification.
- When posting officially for or on behalf of MCHS as part of the Users' job responsibilities, don't use industry jargon; spell it out so your audience knows what you mean.
- ▪ If there are questions on what is appropriate to post, contact the following:
 - Marketing/Public Relations Department
 - MCHS Administrative Team

- Employees may not use external social-media tools to perform work-related responsibilities or to conduct official MCHS business, unless specifically a part of the user's official job responsibility or authorized by MCHS management.

7. MCHS Investigations and Employee Social Media Privacy

a. In compliance with North Dakota Social Media and Workplace Law and Rules, MCHS will not:

- Suggest, request or require that an MCHS employee disclose, or cause an employee to disclose, any user name, password, or other means for accessing the employee's personal account or service through the employee's personal electronic communications device.
- Compel an employee to add anyone, including MCHS or any MCHS agent, to the employee's list of contacts associated with a social media account.
- Require, request, suggest, or cause an employee to change privacy settings associated with a social networking account.
- Discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize an employee for the employee's refusal to disclose any of the information specified in Sections (7)(a)-(i-iii) above, or refusal to add the employer to the list of the employee's contacts or to change the privacy settings associated with a social media account.

v. However, nothing in this policy precludes MCHS from:

- Conducting an investigation to ensure compliance with applicable regulatory requirements (e.g., HIPAA) based on the receipt of information about the use of a personal website, Internet website, web-based account, or similar account by an MCHS employee for business purposes.
- Investigating an MCHS employee's electronic communications based on the receipt of information about the unauthorized downloading of MCHS proprietary information or financial data to a personal website, Internet website, web-based account, or similar account by an MCHS employee.
- Enforcing existing MCHS personnel policies that do not conflict with this policy.
- Prohibiting an MCHS employee from disclosing information that is confidential under federal or state law or pursuant to a contractual agreement between MCHS and the employee.
- Requiring an employee to disclose any user name, password, or other means of accessing non-personal accounts or services that provide access to MCHS' internal computer or information systems.
- Accessing information about an MCHS employee that is publicly available online.

8. Disciplinary Action

If an employee is found to be in violation of this policy, disciplinary action, up to and including termination, may be taken in accordance with MCHS' workforce sanctions policy.

Attachments:

No Attachments

Approval Signatures

Approver	Date
Peter Edis, CEO	3/2022