

## **MARSHALL HEALTH ADMINISTRATIVE POLICY**

### **Social Media**

At Marshall Health, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established this policy for appropriate use of social media.

#### **I. Policy**

It is the policy of University Physicians & Surgeons, Inc. (“dba Marshall Health” or “the organization”) that social media only be used by the organization and its employees in an appropriate and respectful manner.

#### **II. Purpose**

The purpose of this policy is to ensure that:

- Social media is used by the organization and its employees in a professional and respectful manner.
- The use of social media by employees does not interfere with their duties or responsibilities.
- The use of social media by the organization and its employees complies with the HIPAA Privacy Rule and other applicable laws, rules, and regulations.
- The use of social media by the organization or its employees does not violate requirements for protection of peer review materials or information or result in a waiver of attorney-client privilege.

#### **III. Definitions**

For the purpose of this policy, the following terms are defined below:

- **Social media** - all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log, blog or vlog; journal or diary; wikis; personal web site; social networking or affinity web site; and web bulletin board, online forum or chat room, whether or not associated or affiliated with Marshall Health, as well as any other form of electronic communication.
- **Online communication** – refers to communication, postings, or other participation involving social media.
- **Employees** – refers to physicians and other practitioners, residents, fellows, students, staff, and independent contractors who provide services or receive education in any facility of the Organization or the Marshall University Joan C. Edwards School of Medicine (“School of Medicine”).

#### **IV. Guidelines**

- A. The Office of External Affairs is responsible for maintaining the organization’s social media sites and services and for ensuring that the organization’s name and logos are used appropriately. Any online communications on behalf of the organization using social media shall be consistent with the standards of conduct as outlined in the Marshall Health employee handbook and may only be done with prior authorization or approval from appropriate Marshall Health personnel. All communications shall comply with the HIPAA Privacy Rule and other applicable laws, rules and regulations. No organization or individual may use the organization’s logo or other identifying trademarks or service marks in connection with social media or otherwise without prior permission from the Office of External Affairs.

- B. Unless an employee is serving as an approved, official spokesperson for Marshall Health in online communications, all such communications are the individual's personal opinions and do not reflect the opinion of Marshall Health or the School of Medicine. Each employee and staff member is personally responsible for his or her communications, whether written, audio, video, images or other related communication.
- C. If an employee acknowledges his or her relationship with Marshall Health in online communications, he or she shall include a disclaimer advising that he or she is not speaking officially on behalf of the organization.
- D. Employees may not text or post any material (written, audio, video, images or other material) on social media sites that includes, without limitation, any of the following:
  - 1. Confidential or proprietary information regarding Marshall Health or any affiliated organization. This includes, without limitation, information regarding the development of systems, processes, products, know-how and technology;
  - 2. Information owned or maintained by Marshall Health that is not publicly available;
  - 3. Information pertaining to co-workers or other employees of Marshall Health without the express consent of such individual;
  - 4. Peer review protected information;
  - 5. Information subject to attorney-client privilege;
  - 6. Information that an individual is contractually or ethically obligated to protect from disclosure;
  - 7. Information, including photographs, images, or videos, that is malicious, obscene, profane, threatening, harassing, abusive, hateful or humiliating to another person or organization. Examples of such conduct might include, but are not limited to, offensive posts meant to intentionally harm someone's reputation or posts that could contribute to or create a hostile work environment on the basis of race, sex, disability, religion, age or any other status protected by law or organization policy.
  - 8. Photographs or images of patients; or
  - 9. Photographs, videos, or images taken in Marshall Health clinics or using Marshall Health equipment.
  - 10. Information that purports to be an official communication of Marshall Health, but was not posted by an approved, official spokesperson for the organization. This includes, but is not limited to, comments regarding the organization, its employees, students or patients. An individual may respectfully disagree with the organization's actions, policies or management consistent with the grievance policy. All employee grievances shall be made as outlined in the Marshall Health employee handbook. Marshall Health reserves the right to request the immediate removal of any material that falls within the descriptions set forth in this Paragraph IV.D.
  - 11. Any other inappropriate, unlawful, or deleterious content as determined in the discretion of Marshall Health.
- E. Under no circumstances may an employee disclose Protected Health Information ("PHI") (as defined in HIPAA and HITECH) or Personally Identifiable Information ("PII") (as defined in 42 C.F.R. Part 2) on social media absent the express authorization of appropriate Marshall Health personnel, and then only consistently with applicable laws and regulations and Marshall Health policies. All transmissions of PHI or PII must be in strict compliance with applicable rules and regulations and Marshall Health policies.

Employees must immediately report any disclosure of PHI or PII inconsistent with applicable rule or regulation. To the extent anything in this policy is inconsistent with or contradicts Marshall Health's applicable patient privacy policies, those policies supersede this policy.

- F. Employees are expected to refrain from accessing social media and online communications while on work time or on equipment provided by the organization. To this end, Marshall Health reserves the right to block access to social media sites through its network and to require employees to store their personal telephones, tablets and other personal communication devices in their locker or other approved locations during duty hours. Employees in all areas, both clinical and non-clinical, are expected to limit their access to personal telephones, tablets and other personal communication devices to *bona fide* business purposes during normal business hours. Employees in meetings are expected to place such devices in "silent" mode and remove themselves from the meeting before answering telephone calls.
- G. Violations of this policy may subject employees to disciplinary action up to and including termination, in the discretion of Marshall Health.
- H. No employee shall be subject to reprisal or retaliation for reporting a possible violation of this Policy or for cooperating in an investigation relating to such possible violation. Employees who violate this anti-retaliation provision shall be subject to disciplinary action, up to and including termination, in the discretion of Marshall Health in accordance with paragraph IV.
- I. Employees using Marshall Health or School of Medicine equipment or technology have no expectation of privacy with respect to their use of such equipment or technology. This includes, among other things, internet searches, visits to websites, social media usage, e-mails (even if e-mails are for a personal purpose), instant chats or communications within or outside of the organization, files saved or viewed on such equipment or technology (even if for a personal purpose), or any other use, whether authorized or unauthorized, and for whatever purpose.
- J. An employee's use of social media may be considered in disciplinary procedures and adverse employment actions as may be appropriate in the discretion of Marshall Health.
- K. Acceptance of employment or continuation of employment is deemed to be acceptance of the terms of this policy.

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