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Policy Area: *Communications & Marketing*

Applicability: *Sutter Health System*

Social Media Policy, 12-745

SCOPE

This policy applies to all employees, physicians accessing Sutter Health's Hosted Media Sites, volunteers, non-employee assistants/students, vendors, contract personnel and other associates of Sutter Health's network of care to the extent such non-employed individuals are contractually or otherwise obligated to follow Sutter Health policies ("Individuals"). It applies to the use of social media during work and non-work hours, when the person's affiliation with the Sutter Health network of care is identified, known or presumed. It does not apply to content that is otherwise unrelated to Sutter Health.

This policy does not apply to social networking software, services or sites that:

- A. Are purchased by Sutter Health following IS security review and approval (such as internal SharePoint sites on MySutter intranet, portal and collaboration sites, My Sites, community sites, discussion boards, wikis, and other intranet websites);
- B. AND require community managers to actively monitor membership and conversations--especially for HIPAA compliance;
- C. AND require employees to use the site as part of their position.

POLICY

It is the policy of Sutter Health and each of its Affiliates (hereafter "Sutter Health" or "Sutter Health's network of care") to ensure procedures are in place to:

- A. Minimize the business, legal and personal risks that may arise from an individual's use of social media, both during work hours and non-work hours;
- B. Protect the privacy and safety of our employees and patients;

- C. Prevent legal risks that may arise from taking adverse action against employees or potential employees due to use of social media; and
- D. Outline an employee's obligation to avoid conduct that may violate local, state or federal law or other Sutter Health policies or that may trigger claims of discrimination, harassment, retaliation or any other unfair employment practices against Sutter Health.

Sutter Health believes that participation in online communities is a valuable means of sharing and communicating. This policy is not intended to restrict the flow of useful and appropriate information.

PURPOSE

The purposes of this policy are to:

- A. Outline the requirements for participation in social media, including Sutter Health-hosted social media and non-Sutter Health-hosted social media in which an individual's affiliation with the Sutter Health network of care is known, identified, or presumed;
- B. Provide managers and others in a position to make employment-related decisions with guidance on appropriate use of information that may have originated from social media sources; and
- C. Mitigate legal and employee relations risks to Sutter Health that may be associated with the use of social media (in areas such as hiring, Equal Employment Opportunity issues, etc.)

DEFINITIONS

- A. **Social Networking:** Generally includes all types of postings and/or interaction on the internet, including, but not limited to, social networking sites, (such as Facebook®, MySpace®, Yammer® or LinkedIn®), blogs and other online journals and diaries, discussion boards and chat rooms, microblogs such as Twitter® or third-party rating sites such as Yelp®, smartphone applications, multimedia host sites (such as YouTube® or Flickr®) and similar media. Social networking activities may also include the permission or refusal of posts by others where an individual can control the content of postings.
- B. **Blog:** Short for "Web log" a site that allows an individual or group of individuals to share a running log of events and personal insights with online audiences; may include video formats (vlogs).
- C. **Sutter Health Confidential Information:** All information contained in any document designated as "Confidential Information," "Proprietary Information,"

“Trade Secrets,” or other similar marking; and all information, whether or not such information is reduced to writing or is so marked, concerning Sutter Health strategies, new products, business plans, prices, and other similar information where: (1) Sutter Health has taken reasonable measures to keep such information secret and (2) the information is not public knowledge.

- D. **Protected Health Information:** Any individually identifiable information regarding a patient of the Sutter Health network that is collected, received, created, transmitted, or maintained in connection with an individual’s status as a patient, including information about a member’s/patient’s physical or mental health; the receipt of health care or payment for that care; patient premium records, enrollment and disenrollment information; name, address, Social Security number, account number; information from or about transactions; driver’s license number; financial or credit account numbers; phone numbers; ISP and internet domain addresses; and other personal identifiers or similar information.
- E. **Sutter Health-Hosted Media Sites:** Any internet site purchased, sanctioned and/or endorsed by or branded as part of the Sutter Health network of care. Public, external internet examples include but are not limited to, the following: sutterhealth.org, mylifestages.org, facebook.com/SutterHealth, twitter.com/SutterHealth, youtube.com/SutterHealth, etc.
- F. **Non-Hosted Media:** Any internet site not sanctioned and/or endorsed by or branded as part of the Sutter Health network of care; may include personal social networking sites (please see definition #1 above).
- G. **Wiki:** Allows users to create, edit and link web pages easily; often used to create collaborative, community-driven websites (called “Wikis”) and to populate community websites.

PROCEDURES

1. EMPLOYEE USE OF SOCIAL MEDIA

A. **Sutter Health-Hosted Media Sites:** (Internet or intranet sites sanctioned and/or endorsed by Sutter Health):

1. Individuals are invited to visit and interact with Sutter Health’s Hosted Media Sites – including external websites and blogs such as Yammer accounts, MySutter intranet sites/discussion boards, and branded Facebook and Twitter accounts – in connection with their employment and for personal use, as appropriate. Employees must demonstrate good judgment when using social media or other online resources and ensure usage does not inhibit productivity standards and/or job performance (for example, employees must not spend excessive time using social media during work hours,

delaying or negatively impacting the employee's performance of his or her job). Employees electing to participate in social media activities on Sutter Health-hosted sites after scheduled work hours do so at their own choice.

2. We invite Individuals to participate in the Sutter Health network's social media activities – become a “fan” of Sutter Health network Facebook pages, follow news on Twitter, share YouTube videos with friends and family, comment on health blogs written by medical experts on MyLifeStages.org and more.
 - a. Individuals accessing Sutter Health-Hosted Media Sites are subject to the general requirements set forth in this section (A) as well as the requirements in section (B) [Non-Hosted Sites].
 - b. When using Sutter Health-Hosted Media Sites:
 - i. Individuals should identify themselves by name and position when discussing the network or related matters. Anonymous postings generally are discouraged and are not in line with our network policy of honesty and transparency.
 - ii. Individuals must abide by Sutter Health's equal employment, harassment and other applicable policies, all of which apply to social media communication with equal force as other forms of verbal or written communications.
 - iii. Individuals may not post any material that could interfere with work functions, including but not limited to material that is obscene, defamatory, profane, libelous, threatening, discriminatory, harassing, retaliatory, abusive, or hateful.
 - iv. All postings must abide by applicable copyright laws and Individuals must ensure that they have permission to use or reproduce any copyrighted text, photos, graphics, video or other material owned by others.
 - v. The Sutter Health network reserves the right to monitor, prohibit, restrict, block, suspend, terminate, delete or discontinue an Individual's access to any Sutter Health-Hosted Media Site, at any time, without notice and for any reason and in its sole discretion. The network may remove, delete, block, filter or restrict by any other means any materials in its sole discretion.

- vi. By posting any content on any Sutter Health-Hosted Media Site, Individuals grant to the Sutter Health network the irrevocable right to reproduce, distribute, publish, display such content and the right to create derivative works from your content, edit or modify such content and use such content for any network purpose.
- vii. Absent written authorization from the Sutter Health President/CEO or his/her designee, an Individual may not submit any content to a Sutter Health-Hosted Media Site that contains any product or service endorsements or any content that may be construed as political lobbying, solicitations or contributions. An Individual may not use a Sutter Health-Hosted Media Site to link to any sites for political candidates or parties or use Sutter Health-Hosted Media Sites to discuss political campaigns, issues or for taking a position on any product, service, legislation, law, elected official or candidate, political party or movement.
- viii. At times, Individuals may use Sutter Health-Hosted Media Sites such as MyLifeStages medical blogs to ask medical questions or advice for a healthy lifestyle. Network physicians may share definitive medical advice or commentary in the same fashion, but their replies should include a disclaimer that encourages users to consult their physician for personal medical advice or treatment options that complement their health conditions and history.

B. Non-Hosted Social Media Sites and Sutter Health-Hosted Media Sites

1. The guidelines in this section apply to an Individual's personal social media activities that may give the appearance they are speaking on behalf of the Sutter Health network of care or which may create significant risk for the network.
2. Sutter Health recognizes that Individuals engage in social networking during non-work hours. At times individuals may use social networking sites to express displeasure about the organization, their work experience or about their managers or co-workers. Nothing in this policy prohibits employees from discussing the terms and conditions of their employment.
3. The procedures below apply to all Individuals and are designed to

reduce the likelihood that their personal social networking activities will have an adverse effect on themselves, the Sutter Health network of care, other employees, patients or the organization's mission.

- a. Individuals should limit participation in social media activities during work hours unless required by their position (refer to the Sutter Health News Media Relations policy for more details); incidental use occurring during break times or in a manner that is consistent with other general internet use is not prohibited by this policy. Under no circumstances may an Individual access social media on mobile devices while driving for work related reasons or performing other safety sensitive work functions. Individuals that engage in social media activities on Sutter Health-hosted sites after work hours do so by personal choice.
- b. Individuals must speak for themselves and not on behalf of the Sutter Health network unless authorized to do so as part of their job responsibility (refer to the Sutter Health News Media Relations policy for more details). If an Individual posts content online in a personal capacity and it is relevant to Sutter Health's network of care, a disclaimer should be provided (e.g., "The postings on this site are my own and don't necessarily represent Sutter Health's positions, strategies or opinions.").
- c. Electing to include an individual's Twitter handle, Facebook account, LinkedIn profile or other personal social media account on a Sutter Health business card or email signature indicates that such account is maintained at least in part on behalf of Sutter Health or a Sutter Health affiliate. As a result, individuals may NOT include such personal social media account references on any Sutter Health business card or email signature (or similar business-related material) unless such individual ensures that the account is professional, actively maintained and primarily used for business purposes. By listing personal social media connections on business-related materials, an individual assumes the responsibility of serving as an ambassador of the Sutter Health brand among business colleagues.
- d. It is acceptable for an individual to include links to Sutter Health-hosted sites (such as branded Facebook or Twitter

accounts) on business-related materials.

- e. Under no circumstances may Individuals post fake blogs, create false positive or fake negative reviews of Sutter Health, its affiliates, policies, services and physicians or its competitors; nor may individuals impersonate someone associated with or speaking about Sutter Health's network of care.
- f. Individuals may not use Sutter Health network logos, trademarks or proprietary graphics that would create the appearance they are speaking on behalf of Sutter Health without prior authorization from appropriate Marketing or Communications leadership.
- g. Individuals may not use or disclose any patient identifiable information of any kind, including patient images, on any social media platform or smartphone application without the express written authorization of the patient. This formal process requires written authorization from a patient using Sutter Health-approved consent forms and must be part of a required work project. Even if an Individual is not identified by name within the information at issue, if there is a reasonable basis to believe that the person could still be identified from that information, then its use or disclosure could constitute a violation of the Health Insurance Portability and Accountability Act (HIPAA), state law, and/or Sutter Health network policies. Additionally, online activities regarding patients within the Sutter Health network of care that may compromise a patient's personal dignity or otherwise make them question the confidentiality of the services provided by the network are prohibited.
- h. Individuals may not disclose any Confidential Information of or about Sutter Health, its vendors, suppliers, or patients.
- i. Individuals are responsible for any publicly viewable intentionally false statements that damage the company or the company's reputation.
- j. Prior to establishing an online relationship with a vendor or patient through social networking sites, Individuals should consider potential conflict of interest issues, given the unique association between patients and health care providers as well as the requirements of the Sutter Health Conflict of Interest policy. Individuals involved in vendor/product

selection processes will be required to disclose relationships with vendors, including social media connections. See the Sutter Health Conflict of Interest policy for additional information and requirements governing vendor relationships.

- k. Individuals shall not use social networking activities, including personal e-mail and mobile (text) messaging, to transmit, receive, or store information regarding Sutter Health's network of care, its employees or patients that is illegal, discriminatory, harassing, libelous, slanderous, and/or protected under HIPAA or state law or which is considered Confidential Information.
- l. Some topics present significant business risk to the organization and should **not** be discussed on social media- even where Individuals express their own opinions and provide a disclaimer (e.g., Information that may cause a municipal bond investor to decide to buy, sell or hold bonds related to Sutter). Non-exhaustive examples of topics that should not be discussed include:
 - i. Speculation about the future business performance, business plans, unannounced strategies, potential acquisitions or divestitures;
 - ii. Non-public information about financial performance, changes in financial performance or liquidity;
 - iii. Potential mergers and acquisitions; or
 - iv. Sensitive information involving competitors.

If an Individual is unsure of the sensitivity of a particular subject, he/she should seek advice from the reporting manager, human resources or the affiliate compliance officer before participating in the conversation.

- m. Individuals shall not announce news about the Sutter Health network of care that is not already made public. Only those officially designated by the network have the authorization to speak on behalf of the company.
 - i. Individuals may not start personal blogs, social media sites or other websites that share news or announcement on behalf of the Sutter Health network or its affiliates without prior authorization from their supervisor and the system or region

Communications/Marketing director. Individuals may not claim domains (URLs) that give the impression their personal blog represents and communicates on behalf of Sutter Health or any of its affiliates without prior authorization and/or counsel from Communications/Marketing leaders and their supervisor (read more in the Web Resources Guidelines). After consulting Communications/Marketing and their supervisor, an individual may be invited to launch and maintain blogs or social sites on behalf of Sutter Health or its affiliates. Blogs may be internally or externally housed and must comply with the guidelines set forth in this policy.

- n. If an Individual is contacted by a blogger, online journalist or other news media representative about the business of the organization (news, network operations, policies, practices, strategic commitments or additional business information), or if an Individual wishes to participate in a media story, he/she must notify their manager and the system, region or affiliate Communications team before responding or acting. Please refer to the Sutter Health News Media Relations policy.
- o. Individuals are more likely to resolve complaints about work by speaking directly with co-workers, supervisors or other management-level personnel than by posting complaints on the internet. They may also call the Sutter Health Confidential Message Line at (800) 500-1950.
- p. Nothing in this policy will be interpreted to limit or interfere with an employee's rights under Section 7 of the National Labor Relations Act.

2. MANAGEMENT RESPONSIBILITY

A. General Use of Information and Participation in Social Media:

1. Managers may become aware of information considered to be inappropriate or in violation of this policy from a variety of sources.
2. When information is brought to a manager's attention and the manager believes that it may violate the terms of this policy the manager may review the information in order to determine whether Human Resources' intervention is appropriate.
3. Managers may not access a restricted website or social networking site without authorization (e.g., insisting an employee provide a password or other access to a private site).

4. Because it is not the Sutter Health network's intention to regulate protected off-duty conduct, managers must consult Human Resources before taking any adverse action, including, but not limited to: requesting an employee remove a posting, coaching/counseling an employee verbally or in writing regarding a posting, etc.
5. A manager or other network representative with authority to recommend hiring/firing, who enters his/her employees' private social media page has no idea what he/she will discover. Therefore managers and other "persons of authority" are cautioned about establishing an online relationship with their employees on personal social networking sites.
6. Managers may not approve, deny or limit leaves of absence on the basis of information on an employee's social media site without consulting with Human Resources.
7. Any evaluations, recommendations or comments a manager makes on an Individual's job performance must follow the Sutter Health network's official processes for providing such feedback. In social networking sites, general comments about a team or group's performance are permissible, but individual reviews or recommendations must follow Sutter Health's policy on references.

B. Use of Information in the Hiring Process:

1. Managers engaged in hiring are prohibited from conducting social media background checks on their own. Instead, any such checks will be done by the designated HR/Recruitment professional following the network's hiring policies and procedures. Use of social or professional networking sites to recruit candidates will be done in conjunction with a variety of other recruitment methods that encompass a broad range of sources.
2. A social media check of candidates for hire should be conducted only after it is determined that the individual meets minimum qualifications and is a candidate that the HR/Recruitment professional intends to move forward in the interview process. In this way, the Sutter Health network limits the risk of obtaining equal employment-opportunity related information about the candidate too early in the process.
3. All candidates must be subject to the same social media checks at the same point in the hiring process.
4. Any rejection of a candidate based on information discovered on a social networking site must be clearly documented to ensure that

the decision did not violate any Sutter Health policies.

C. Management/Executive Social Media Commentary: The standard disclaimer does not by itself exempt Sutter Health network managers and executives from a special responsibility when participating in social media environments. By virtue of their position, management level employees must consider their unique role in the organization and consider whether personal thoughts they publish may be misunderstood as expressing the network's positions. Managers may have actual or apparent authority to bind the organization and should use exceptional judgment on social media sites. Failure to do so may result in discipline.

Notwithstanding any provision of this policy that could suggest a contrary application, **nothing in this policy will be interpreted to limit or interfere with an individual's rights to discuss the terms and conditions of their employment or other rights under Section 7 of the National Labor Relations Act.**

Any Individual who violates this social media policy will be subject to appropriate remedial action; in the case of employees, this may include discipline, up to and including termination.

Related Policies and Guidelines

Human Resource Policies:

<http://mysutter/PoliciesProcedures/Pages/HumanResourcesPolicies.aspx>

- Prohibiting Harassment – 16-1125
- Equal Employment Opportunities – 16-1115
- Policy for Background Check Policy Guidelines – 16-1105

Confidentiality Policies:

<http://mysutter/PoliciesProcedures/Pages/HumanResourcesPolicies.aspx>

- Management Confidentiality – 16-1135
- Workforce Confidentiality and Privacy and Appropriate Use of Sutter Health and Affiliate Property – 16-1120
- Exhibit A – Workforce Confidentiality Agreement – 16-1120A

Communications and Marketing Policies:

<http://mysutter/PoliciesProcedures/Pages/CommunicationMarketingPolicies.aspx>

- Communications About Public Policy Issues – 12-705

Ethics and Compliance Policies:

<http://mysutter/PoliciesProcedures/Pages/EthicsRiskCompliancePolicies.aspx>

- [Internet and Email Usage – 13-635](#)
- Device and Media Accountability – 13-710
- Use and Disclosure of Protected Health Information for Treatment, Payment and Health Care Operations – 13- 801
- Auditing and Monitoring Access to Electronic Protected Health Information – 13-803
- Non-retaliation and non-retribution – 13-530

Standards for Business Conduct:

http://mysutter/Resources/SystemDepartments/GeneralCounsel/EthicsCompliance/Document%20Library/2008_SBC_ver_5.pdf