

Social Media Use Does Not Follow Best Practices

Office of the Inspector General

Investigation Results



We received allegations that a Board Director's use of social media was a misuse of a publicly funded position for the benefit of their place of private employment and personal financial gain. It is a Board Director's right to voice an opinion and to use social media to do so. However, when a social media account is used for both personal and BART business use, it creates the appearance that personal opinions are those of the District. For the allegation in question, this brought unfavorable attention to the District and led to people

associating a Director's comments with the District. Best practices for social media use by elected public officials recommend a separation of personal and official/campaign social media accounts and the inclusion of a disclaimer on personal accounts that users' opinions are their own. This puts a wall between personal and official social media posts, which allows an organization to better defend itself should elected public officials' personal comments be associated with the entity they represent. BART's Board of Directors is not required to follow those best practices.

Board Directors are also within their right to obtain private employment. There is no financial conflict as long as their policy decisions for the District remain in the best interest of the public and independent of their private employment decisions. There was no evidence that the Director's use of social media created a financial conflict between the Director's private employment and their role as a BART Board Director.

Recommendation

To ensure that the public is clear when the opinions of directors or committee members are personal or representative of the District, the Board of Directors should implement best practices regarding the use of social media:

- Revise the Board of Directors Code of Conduct to include language regarding the use of social media that:
 - Requires directors and committee members who have social media accounts to use separate accounts for their personal use and for their BART business use.
 - Requires directors and committee members who have social media accounts to add a disclaimer to their personal social media profiles that their opinions are their own and do not reflect that of the District and to then refer followers to their official account for BART-related news and updates.
- Work with the District Secretary's Office to formally approve the revisions and update the BART Code of Conduct in a manner consistent with District procedures.

Board Response and OIG Comment

The Board has declined to accept our recommendations based on several reasons, including that no law was violated and that individual Directors are not prohibited from stating their opinions.

The OIG stands by its recommendations and encourages the Board to reconsider for two reasons: 1) the OIG's mandate includes making recommendations to implement best practices and 2) discussion of best practices for elected officials' use of social media focuses on having separate personal and official social media accounts to mitigate the risks posed by social media mistakes, including potential consequences that may occur when the line between public and private statements is blurred.



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Providing independent oversight of the District's use of revenue.