

## **City of Ashland Social Media Policy**

### **Purpose:**

The City of Ashland (the “City”) recognizes that social media is a valuable communication tool. The City’s purpose in maintaining social media is to provide an informal voice of the City – to provide news alerts and information, and to listen to residents and visitors about issues affecting the City.

### **Definitions:**

1. **“Social Media”**: refers to interactive platforms that combine technology and social interaction for content sharing, often in collaboratively; any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, Internet websites, Internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Twitter, YouTube, Google+, and Flickr.
2. **“Authorized User”**: means any employee who has received authorization from the City Manager or the City Manager’s designee to post city business matters on a social media platform. To ensure a clear delineation between policy goals and information pertaining to City operations, no Board Members are permitted to be authorized users.
3. **“Board Member”**: means an elected official, including council members, commission members, member of a board, commission, or committee established in the City of Ashland per either code or resolution.
4. **“Personal social media account”**: means a social media account that is used by an employee, elected official or appointed commission or committee, or Board Member exclusively for personal purposes and is unrelated to any business purpose of the city and is not provided for or paid for by the city.

### **ADMINISTRATION**

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5. “Confidential Information”: includes, but is not limited to, anything that is exempted from public disclosure under any applicable state or federal law, and specifically those exempted public records outlined in ORS Chapter 192 (Records; Public Reports and Meetings), which includes information pertaining to litigation or matters where litigation is reasonably likely to occur.

**Content Guidelines, What Not to do:**

Only Authorized Users may create and manage official social media accounts. Authorized Users are managed by the city manager’s office, which includes day-to-day oversight, managing content development and scheduling, and social media campaigns and other duties. New social media sites or engagements created on behalf of the City must be approved by the office of City Management and are subject to periodic monitoring to ensure compliance and professionalism. Employees authorized to post content on Ashland’s social media channels should read and apply this social media policy in conjunction with any social media guidebooks, legal updates, and/or trainings.

The City reserves the right to monitor all posts made on City controlled social media sites and to restrict or remove content that is in violation of this social media policy or any applicable law.

1. Record retention: Authorized Users may not post original content to social media unless that content is preserved and retained according to Oregon Public Records Law (see ORS Chapter 192).
2. City Prohibited Content: The following content is not permitted on City social media.
  - a. Confidential information
  - b. Copyrighted or intellectual property that the City does not have permission to use.
  - c. Offensive language, including the use of profanity, obscenities or vulgarities.

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- d. Sexual content or links to sexual content
  - e. Content that is offensive and that promotes, fosters, or perpetuates discrimination toward race, gender, ethnicity, nationality, religion, sexual orientation, disability, or other protected characteristic.
  - f. Illegal conduct or the encouragement of illegal activity
  - g. Information that may tend to compromise the safety or security of the public or public services,
  - h. Statements promoting or opposing election petitions, candidates, political committees or ballot measures in violation of restrictions on political campaigning by public employees, which includes any links advocating an election issue. Dissemination of neutral information is encouraged.
  - i. Any form of harassment, bullying, or intimidation, or threats of violence.
  - j. Misinformation or misleading information
  - k. Posting irrelevant or repetitive messages or advertisements.
  - l. Personnel matters regarding the Authorized User or others.
3. Moderation Policy: The City acknowledges and respects the right to free speech. At the same time, if the City chooses to allow for a comment section, there are limited situations where the City has a legitimate interest in maintaining a reasonable level of decorum on social media channels. Whereas section 2 above outlines the guidelines for what an Authorized User can post, this section is more restricted as it limits what citizens can comment on. If a comment violates this policy, the comment is subject to disablement and the commentator might be subject to a temporary block if the behavior repeats itself.

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The Authorized User must consult with the City's legal department in the moderation of comments. The following comments are prohibited:

- a. Threats of imminent violence or call to act illegally
- b. Defamation. A statement of opinion is not defamation. Defamation is generally defined as a false assertion of fact that damages a person's reputation.
- c. Content that is profane, obscene, or pornographic
- d. Personal identifiable information not meant to be public, such as someone's home address, phone number, or social security number.
- e. Copyright violations. Content that infringes on copyright, trademarks or the intellectual property of others (not including links to).
- f. Malware.
- g. Solicitation content.
- h. Disruptive, repetitive, or off-topic comments
- i. Content that perpetuates discrimination on the basis of race, religion, ethnicity, age, or gender.

Additionally, the City does not intend to create a public forum on social media and reserves the right to disable comments for certain posts where it is not seeking engagement or where the nature of the posts might jeopardize public meeting laws.

Before deleting any comment, the City, through the Authorized User, will take the following actions: (1) determine whether or not the comment is protected speech, with consultation of the City Attorneys office; (2) save a copy of the comment; (3) notify the poster that their comment violates City policy; (4) provide the poster with a copy of the City's policy, a copy of their comment and a brief explanation for why their comment was deleted.

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The Authorized User should use the following disclaimer for social media platforms where the comments are enabled: *Comments posted to this page will be monitored. The City reserves the right to remove inappropriate comments, as defined in the City of Ashland social media policy. Comments posted to this site by a user other than the City represent the views of that user only and do not reflect the policies of the City. The City takes no responsibility and assumes no liability for comments made by third parties on the City's social media sites. The City does not support or endorse comments made by users other than the City.*

#### **Content Guidelines – What to do!**

1. Ashland Branding: In order to properly identify the City to its citizenry for the long-term goal of building community trust and spirit, all accounts must use official City branding, font requirements, and (when possible) include relevant City contact information.
2. Accuracy, Transparency, and Professionalism: Ensure all information shared is accurate, timely, and relevant to the community. Strive to ensure that content is void for any spelling, grammar, or citation errors. If an error is mistakenly posted, the Authorized User should quickly make any correction or clarification as needed.

#### **Personal use of social media:**

Only Authorized Users are allowed to use social media *on behalf of* the City in management-approved sites. Board Members (as defined), employees, elected officials and commission and committee members should not use their personal social media accounts to speak *on the City's behalf*.

For those Board Members who want to comment on City business, the best approach is to keep two accounts entirely separate – one private and one public. For the public account, the Board Member should know

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that the public account is subject to the First Amendment and should either disable comments altogether or be extremely cautious in moderating content (i.e. restricting comments/blocking people). If a Board Member has a public page, posters are granted some degree of First Amendment protections and moderating content on a public page may open the Board Member to a First Amendment claim.

If an employee, Board Member, elected official, commission or committee member mentions City goings-on on their personal social media, that person should be clear their opinions are their own and that they do not represent the City or City business. See *Lindke v. Freed*, 601 US 187 (2024).

Here are some ways to keep clear that a private account of a Board Member does not represent the City:

- Include a disclaimer that comments are personal only and do not reflect the City.
- Do not include official City contact information on a personal page
- Do not make any City business announcements on a personal page that would normally be presented in a public meeting.
- If comments it is difficult to keep comments at a minimum on a personal page, consider a public page.

### **Public Meetings:**

Board Members are encouraged to not communicate with another Board Member on social media regarding substantive board matters within the jurisdiction of the board. Simultaneous postings, comments, or tweets by a quorum of Board Members on the same subject within a certain time frame may constitute a serial communication and violate Oregon's public meeting law.

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