

## RESOLUTION 2023-015

### A RESOLUTION ADOPTING THE TERMS AND CONDITIONS FOR USERS OF THE CITY OF PAOLA SOCIAL MEDIA SITES.

**WHEREAS**, the Governing Body desires to adopt a social media policy to establish enforceable rules and guidelines for the use of social media sites such as Facebook, YouTube and Twitter, and any other communication media that disseminate information to the public; and

**WHEREAS**, the Governing Body believes that the social media policy is necessary to expand and facilitate the dissemination of information from the City of Paola to its residents, taxpayers and the general public, while at the same time assuring that communications made on behalf of the City of Paola are properly authorized and correct; and

**NOW THEREFORE BE IT RESOLVED** the Governing Body of the City of Paola, Kansas hereby adopts the following Terms and Conditions for Users of the City of Paola Social Media Sites.

#### Terms and Conditions for Users of the City of Paola's Social Media Sites

#### **PURPOSE**

Because many of our citizens and other stakeholders utilize social media for news and communications, the City of Paola has developed its own social media accounts, which help us inform the public about our work and mission. We rely on our own free speech rights to communicate our selected messages. Comments left on our social media sites reflect the views of the commenters, not the views of this agency.

City of Paola is committed to fully complying with the freedom of speech clause of the First Amendment of the U.S. Constitution and other similar legal obligations surrounding free speech. Since we follow the law, there may be times when what some people perceive to be offensive comments left by members of the public will remain visible on our social media posts, if such comments are legally protected speech.

City of Paola has an important interest in assuring the accuracy and consistency of information associated with our social media sites. These terms and conditions establish guidelines for the public's use of our social media sites in a way that balances these values.

#### **DEFINITIONS**

1. "Social media" means digital content created by us and communicated on platforms that allow sharing, commenting, and engagement by the public. Examples of social media accounts we may use are Facebook, Twitter, Instagram, YouTube, and LinkedIn.

2. “Comments” include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a social media account post posted by us on one of our social media sites.
3. “User” means a member of the public who views or interacts with one or more of our social media accounts.

## EXPECTATIONS

1. The leaders of the City of Paola believe that honest, civil, and productive discussions provide the best environment for citizens and other stakeholders to understand the work of their government.
2. We ask commenters to consider that our social media feeds may be viewed by children and other impressionable people. Please avoid profanity, slurs, personal attacks, bullying, or use of false information.

## ACCOUNTABILITY

The City of Paola commits to regularly train its employees on this policy and relevant freedom of speech caselaw and commits to hold employees accountable if they violate policy or law.

## GENERAL GUIDELINES

1. These terms and conditions apply to all our social media sites. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on our social media accounts.
2. Users should know that social media posts we make, comments and replies to those posts, and any direct or private messages sent to us may be public records subject to applicable public records release.
3. Our social media accounts are not monitored 24/7 and no one should utilize our social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.
4. We do not guarantee we will respond to comments or messages sent on our social media accounts.

## CONTENT MODERATION

1. **Limited Public Forum.** Our social media accounts are created and maintained as limited public forums under the caselaw pertaining to the freedom of speech clause of the First Amendment to the U.S Constitution. We invite members of the public to view and, where

possible and permitted, provide comments or other engagement on our social media posts. However, the law permits us to hide and/or delete comments that are not protected speech under the First Amendment and relevant caselaw. As a general rule, we will not hide and/or delete comments solely because such comments are critical of the City of Paola or its officials.

**2. Prohibited Content.** As indicated above, we may hide or delete:

- a. Comments expressly advocating direct violence or other illegal activity;
- b. Comments containing or linking to obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value;
- c. Comments that expressly encourage or advocate our agency to illegally discriminate based on race, age, religion, gender, national origin, disability, sexual orientation, veteran status, or any other legally protected class;
- d. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser;
- e. Duplicate comments posted repeatedly within a short period of time;
- f. Comments containing actual defamation against a specifically named person or organization, either as determined by a court or comments that are patently defamatory by easily discovered facts;
- g. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies us that the property was posted in a comment on our social media account.
- h. Comments that contain a hyperlink to any website other than those controlled by the City of Paola. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.

**3. Retention.** When a comment containing any of the above content is posted to our social media account, a copy or electronic record of that content may be retained or archived pursuant to our records retention policy, along with a brief description of the reason the specific content was deleted. Once documented, the content will be removed, where possible, from our social media account.

## **APPEAL**

1. If our staff hides or deletes a user's comment pursuant to these terms and conditions, the user has the right to appeal that decision by sending an email or letter to the City Attorney within five business days.

2. Upon receipt of an appeal, our attorney will determine whether the comment at issue contained content protected by law. If the appeal is successful, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by law, the user will be notified that the appeal was denied.
3. *Blocking or Banning a User.* When we determine that a user has violated these terms and conditions on three or more occasions within a twelve-month rolling period, we may block or ban the offending user from the social media account where the violations occurred.

If we block or ban a user, we will (a) reasonably attempt to notify the user; (b) describe the violation(s); and (c) explain the appeal process.

If the appeal is successful and the user has not violated this policy three times within a rolling 12-month period, we will unblock or unban the user from the social media account. If the appeal is not successful, our decision will stand.

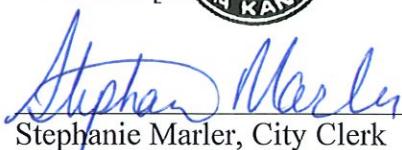
**BE IT FURTHER RESOLVED** that this Social Media Policy shall be provided to all departments and agencies of the City of Paola and shall be available in the office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** this 8th day of August, 2023.



ATTEST: [seal]

  
Leigh House, Mayor

  
Stephanie Marler, City Clerk