

**ORDINANCE NO: 2020-58**  
**INTRODUCED BY: DEBERNARDO**

**4290**

**AN ORDINANCE  
ADOPTING A SOCIAL MEDIA POLICY FOR THE  
VILLAGE OF CHAGRIN FALLS, AND AMENDING THE  
EMPLOYEE POLICY AND PROCEDURE MANUAL FOR  
SOCIAL MEDIA AND FRAUD REPORTING AND  
DECLARING AN EMERGENCY.**

WHEREAS, the Village of Chagrin Falls has determined that it is necessary to have a Social Media Policy to provide guidance and information to the public and for the Villages' use of Social Media;

WHEREAS, the Village Council has determined that it should adopt a Social Media Policy and supplement the Village of Chagrin Falls Employee Policy and Procedures Manual for use of Social media and to provide for fraud reporting.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

Section 1. Attached hereto and made a part hereof as **Exhibit "A"** is the Social Media Policy for the Village of Chagrin Falls to be implemented and utilized by all Village employees regarding the use of Village Social Media for Village functions. This Social Media Policy attached hereto shall be effective upon adoption of this Ordinance.

Section 2. Attached hereto and made a part hereof as **Exhibit "B"** is a supplement to the Village of Chagrin Falls' Employee Policy and Procedure Manual to add Sections 10 and 11 regarding employee use of social media and to add notification procedures for fraud reporting. The attached supplements to the Employee Policy and Procedure Manual are effective upon adoption of this Ordinance.

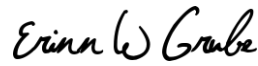
Section 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

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Section 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that this Ordinance must be made immediately effect so that the Village can properly and lawfully utilize social media sites and to provide guidance to its employees regarding the use of social media and for fraud reporting as provided in Ohio Revised Code Section 117.103(B)(1); wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: January 25, 2021



Erinn Grube, Council President

Submitted to the Mayor for  
his approval on this

25<sup>th</sup> day of January, 2021

Approved by the Mayor

January 26

\_\_\_\_\_, 2021



Mayor William Tomko

I hereby certify that Ordinance No. 2020-58 was duly enacted on the 25<sup>th</sup> day of January, 2020, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



David Bloom, Clerk of Council

## **EXHIBIT A**

### **SOCIAL MEDIA POLICY FOR THE VILLAGE OF CHAGRIN FALLS**

#### **1.0 BACKGROUND AND PURPOSE.**

- A. The Village is committed to enhancing the traditional communication methods with its various constituents using Social Media. This commitment primarily stems from public expectations, the capabilities of current technology, and the rapid growth of Social Media by other local, state, and federal government entities, all of which serve as an indication that Social Media can be used effectively to enhance communications between local government and the public.
- B. Social networking in government serves two primary functions: to communicate and deliver information directly to residents to inform the public about government matters, and when appropriate in a designated or limited public forum to facilitate resident involvement, interaction, and feedback on specific issues involving the government's business.
- C. This Policy is adopted to provide guidance and information both to the public and for the Village's use of Social Media, including but not limited to, web and mobile cell phone applications, blogs, photo and video sharing sites, micro-blogging, social networking sites and wikis. This policy is not intended to address any one particular form of social media (i.e. Facebook, Instagram, Snapchat, Tumblr, Twitter, Flickr, Next-door, YouTube, Twitch and similar platforms); rather social media in general, as advances in technology will occur and new tools for sharing information will emerge. While the Village's website ([www.chagrin-falls.org](http://www.chagrin-falls.org)) is the Village primary Internet presence, the Village recognizes that, when used appropriately, Social Media may be useful in furthering the goals of the Village and the missions of its departments, boards, commissions, committees and agencies in informing and interacting with the public.
- D. Other laws, ordinances and policies may also apply to the use of social media and this policy should not be interpreted to conflict with any of those laws, ordinances and policies, including requirements under the Americans with Disabilities Act.

#### **2.0 DEFINITIONS.**

*Agents* -- all Village representatives, including its Employees and other agents of the Village, including without limitation, independent contractors and anyone acting on behalf of, appearing to act on behalf of, or in the name of the Village.

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**Village Social Media Sites/Accounts** – Those pages, sections, or posting locations in social media websites established, managed or maintained by an **Employee** or **Officer** of the Village authorized to do so as part of the **Employee's** or **Officer's** duties.

**Content** - any posts, writings, material, documents, photographs, graphics, or other information that is created, posted, shared, distributed, or transmitted via social media.

**Custodian** -The Clerk of Council or its designee is responsible for ensuring that all Village records created or maintained by the Village are retained according to the Chapter 149 of the Ohio Revised

Code and the records retention schedule are properly preserved or disposed of and these include the Content on Village Social Media Sites.

**Digital Identity** – Information about a user of a social media site that differentiates that user from others.

**Employees** -- all Village representatives and anyone employed by the Village. The term “Employee” includes **Officers** unless specifically omitted in the text or the context requires their exclusion.

**Officers** – all Village Elected and Appointed officials including all members of boards, commissions, committees and agencies of the Village.

**Social Media** – internet and mobile-based applications, websites and functions, other than email with a focus on immediacy, interactivity, user participation, and information sharing. These venues include social networking sites, forums, weblogs (blogs, vlogs, microblogs), online chat sites, and video/photo posting sites or any other such similar output or format. Current examples include Facebook, Instagram, Twitter, YouTube and this policy includes emerging new web-based platforms generally regarded as social media or having many of the same functions as those listed.

**Social Media Account** - any account established on **Social Media**.

**Social Media Administrator** – The Village **Employee** or Employees expressly designated by the Chief Administrative Officer to monitor, manage, supervise or control the Village social media sites as provided in this Policy. Which may also be performed by the Chief Administrative Officer.

### **3.0 SCOPE**

This Policy applies to all Village **Officers**, **Employees** and **Agents** when working with **Social Media** tools on behalf of the Village, and applies to an **Officer's**, **Employee's** and **Agent's** use of personal **Social Media** sites as addressed in this Policy.

**4.0 ADMINISTRATIVE ROLES AND RESPONSIBILITIES** 4.1 The Chief Administrative Officer and each Department Head shall implement this Policy, and broadly disseminate the Policy to inform **Employees** and **Officers** of these guidelines for creating, using and maintaining **Social Media** resources subject to this Policy and to ensure that all **Employees** and **Officers** confirm they are

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aware of and understand this Policy.

**4.1** The Chief Administrative Officer must designate one or more persons to act as ***Social Media Administrator***.

**4.2** Each ***Social Media Administrator*** is responsible for developing and administering the ***Village Social Media Sites/Accounts*** and the use of those sites and must:

1. Develop and administer the/Village's presence on a ***Social Media*** site that is the Village's official ***Social Media Site/Account***. Village employees and departments are encouraged to contribute ***Content*** and ideas to the ***Social Media*** Site by contacting the ***Social Media Administrator***.
2. Review all requests to establish additional department-specific ***Village Social Media Sites*** and recommend approval or denial to add or delete a Social Media Site to the Council who shall make the final determination of each request to add or delete a Village Social Media Site. The ***Social Media Administrator(s)*** must review social media sites that have already been established to ensure that they are in compliance with this Policy and must submit a request for approval of the Chief Administrative Officer for the continued use of those preexisting sites within 90 days of the effective date of this Policy. If the Chief Administrative Officer does not approve the continued use of those preexisting sites within 120 days of the effective date of this Policy those sites must be immediately taken down and their use discontinued as provided in Section 10.0 Deactivating a ***Social Media*** Site/Account of this Policy.
3. Ensure the ***Village Social Media Sites*** are regularly maintained and kept current.
4. Review information posted to the ***Village Social Media Sites*** by Village ***Employees*** or ***Agents*** to ensure the ***Content*** is appropriate, professional, and consistent with the Village's policies and the purpose for which the site exists. Frequent review of sites that provide opportunity for comment or other interaction is essential and the ***Social Media Administrator*** must establish a schedule for the regular review of each site.
5. Communicate regularly with ***Custodian*** to ensure that the site complies with any applicable public records laws.

**4.3** Village ***Employees*** and ***Officers*** are responsible for ensuring that all use and contributions to the ***Content*** of the ***Village Social Media Sites*** adhere to the standards of conduct and requirements as outlined in this Policy, and that their personal use adheres to the standards of conduct as regulated by this Policy.

**4.4** The Social Media Administrator will be the coordinating authority for review and monitoring and enforcement of any approved ***Village Social Media Sites***. The Chief Administrative Officer shall be the final decision-making authority for the approval or denial of any ***Social Media*** Sites and the use of such Sites by the Village.

**5.0 THE VILLAGE OFFICIAL SOCIAL MEDIA SITE AND OTHER**

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**SPECIFIC SOCIAL MEDIA SITES/ACCOUNTS.**

**5.1** The official *Village Social Media Site* is the primary tier of the Village's *Social Media* presence. This tier includes any official Village presence on a *Social Media Site*. Village *Employees, Officers* and Departments are encouraged to contribute *Content* and ideas to this Site/Account by contacting the *Social Media Administrator*.

**5.2** A Department may seek to develop its own Site or Account or Platform specific to its needs. Department-Specific *Social Media* sites should be focused and limited in scope and topic and should complement rather than supplant the official *Village Social Media Site* or existing web resources. General departmental pages and associated *Content* should be included and managed within the current *Village Social Media Site*. On a case-by-case basis the *Social Media Administrator* must review and) approve or deny all requests for developing additional *Village Social Media Sites/Accounts/Platforms*, as follows:

- a. The department shall submit a request in writing on a form provided by the *Social Media Administrator*. The request shall state:
  - i. how or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the *Village's Social Media Site*;
  - ii. how the department has developed an effective strategy to develop and maintain the Site/Account/Platform; and
  - iii. how the content contained on the *Village's Social Media Site* will be captured and retained in accordance with Chapter 149 of the Ohio Revised Code
- b. The *Social Media Administrator* will be the coordinating authority for review and monitoring and enforcement of any approved *Village Social Media Sites*. The Chief Administrative Officer shall be the final decision-making authority, unless overruled by the Village Council upon request of any person, for the approval or denial of any *Social Media* Sites and the use of such Sites by the Village.

**5.3 Boards, Agencies, Committees and Commissions.**

**5.3.1** A Board, Committee, Commission or Agency may seek to develop its own Site or Account or Platform specific to its needs subject to review and approval by the *Social Media Administrator* of appearance, general content and any vendor or third party that is to be used to assist in the development or operation of such site. Board-Specific *Social Media Sites* should be focused and limited in scope and topic and should complement rather than supplant the *Village Social Media Site* or existing web resources. General departmental pages and associated *Content* should be included and managed within the current *Village Social Media Site*. On a case-by-case basis the *Social Media Administrator* must review and approve or deny all requests for developing additional Village *Social Media Sites/Accounts/Platforms*, as follows:

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1. The Board, Committee, Commission or Agency shall submit a request in writing on a form provided by the **Social Media Administrator**. The request shall state:
  - a. how or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the **Village's Social Media Site**;
  - b. how the Board, Committee, Commission or Agency has developed an effective strategy to develop and maintain the Site/Account/Platform and has the budget to implement its plan; and
  - c. how the content contained on the Board, Committee, Commission or Agency Site/Account/Platform will be captured and retained in accordance with Chapter 149 of the Ohio Revised Code.
2. The **Social Media Administrator** will be the coordinating authority for review and monitoring and enforcement of any approved **Village Social Media Sites**. The Chief Administrative Officer shall be the final decision-making authority for the approval or denial of any **Social Media** Sites and the use of such Sites by the Village, unless overruled by Village Council upon request of any person.

**5.3.2** The Open Meeting Law in Ohio, in Chapter 121 of the Ohio Revised Code may apply to use of **Social Media** by one or more members of a council, boards or commissions, committees and agencies and their staff and may prohibit them from participating in postings or discussion threads on **Social Media** sites whether created and maintained by the board or commission of which they are a member or otherwise. Members of boards and commissions and their staff must comply with state law regarding Open Meetings, Public Records when using **Social Media**.

**5.3.3** Any use of **Social Media** Sites shall not serve as a replacement for postings and notifications required by law except under and as allowed by those laws.

**5.3.4** Regular business of the Board, Committee, Commission or Agency may be posted to approved **Social Media** Sites by the appropriate designated public employee who posts such notice without formal action of the Board, Commission, Committee or Agency provided that posted documents are also available on the Village's website. In general, it is preferred that a Board **Social Media** Site simply provide a link back to information and documents posted on the Village website. "Regular business" is defined as the standard and routine activity of any Board, and generally includes agendas, minutes, presentation documents and backup items created during the course of regular Board proceedings. This may also include responses or clarifications of items of fact related to the Board (dates, times, published data, etc.).

## **6.0 STANDARDS AND BEST PRACTICES OF VILLAGE SOCIAL MEDIA SITES**

**6.1.1** Unless otherwise specifically noted, when the Village establishes a Village website or social media account it does so to communicate to the public, to inform and relay official Village content. The Village therefore regulates the **Village Social Media Sites** that it maintains for the following reasons:

- Posts on **Village Social Media Sites** appear to carry the approval of the Village and

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unauthorized posts on those sites can confuse people as to whether the Village endorses the post or if a specific post forms a position of the Village and whether it is the Village's official position,

- **Village Social Media Sites** unless expressly noted, are not intended to operate as a traditional open public forum as there are ample open forums for purposes of expressing opinions and views. Social media and Internet sites are many and varied and offer an ever expanding opportunity for expression over a multitude of platforms, in many different languages and countries all of which can be easily accessed through Internet searches.

**6.1.2 Right to Remove Posts that Do Not Comply with the Rules of the Limited Public Forum.**

When the **Village Social Media Site** has not been opened as a traditional public forum or where the **Village Social Media Site** has been opened as "non-public" and "limited public" forums, the **Social Media Administrator** is authorized to remove unauthorized Content or links posted on **Village Social Media Sites** that do not conform with the requirements of this Policy in a viewpoint neutral manner. It is the intent of this Policy that all **Social Media Sites** are to be one way sites, and non-public forums, with only authorized Village officials posting and no commenting or responses permitted by the public. . In the event that a Social Media Site is requested to be used by an employee of the Village, and the Social Media Site cannot be a one-way site in a non-public forum, the creation of the Social Media Account shall follow the procedures set forth in Section 4 of this Policy, and if the Social Media Site is deemed to be a public forum, additional policies and procedures may be established for administering such Social Media Sites and the right to remove posts that do not comply with this Policy, as then amended.

**6.2 Required Disclosures.** A clear statement of the intent, purpose and subject matter of a Site, as well as a statement clearly articulating whether the site accepts comments and if so any restrictions that might affect the nature of the forum as either limited or traditional. The Site should prominently disclose that all **Content** posted to the site are subject to public disclosure laws. Any other disclaimer or notice should be clearly posted on **Village Social Media Sites**. The following statements must be included on each **Village Social Media Site** following the Village's description of the purpose of that social media site or tool and a user assents by use to the rules of the forum and the conditions established for its use as established in this Required Notice as described:

**REQUIRED NOTICE AND USE POLICY**

"In order to better serve its residents, the Village of Chagrin Falls utilizes user engagement tools and websites, including social media channels, to provide residents with information in more places and more ways than were traditionally available.

All Content of this site are public and are subject to disclosure pursuant to Chapter 149 of the Ohio Revised Code regarding Ohio's Public Records Law.

- The Village reserves the right to discontinue any or all **Village Social Media Sites** at any



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time.

- Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the Village of certain topics, including, but not limited to litigation, pending investigations, and other topics through various media including social media.
- Following or “friending” persons or organizations is not an endorsement by the Village and is only intended as a means of communication.
- Any references or links to a specific entity, product, service or organization posted by individuals on the **Village Social Media Sites** should not be considered an endorsement by the Village or its departments or **Employees** or **Officers**.
- The Village does not review, sponsor, or endorse any other website(s) linked to its website or to **Village Social Media Sites**. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the Village and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the Village or its **Employees** or **Agents**.
- The Village is not responsible for **Content** that appears on external links.
- The Village is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its **Content**.
- Investors determining whether to invest or continue to invest in the Village’s debt offerings should not rely on information posted on the site in making their decisions to invest or not to invest; information regarding the Village’s financial position is available from the Finance Director of the Village.

Any questions should be directed to the **Social Media Administrator** at 440-247-5050. By accessing this site, I acknowledge having been advised of and understand the foregoing.”

In the event that the Chief Administrative Officer or Village Council authorizes comments to be submitted in a limited public forum, the following required notice and use policy shall be established and posted on such Village Social Media Site:

“The purpose of this site is to discuss matters of public interest in and to the Village of Chagrin Falls as identified and raised by the Village for discussion. We encourage you to submit comments that are on topic, but please address your comments to the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the Village of Chagrin Falls. Users who submit Content to this Village of Chagrin Falls **y Social Media Site** agree they have read, understand and agree to the following terms and conditions by virtue of such use:

Terms of Use

1. I am submitting content voluntarily and on my own behalf.
2. The content I post reflects my own original thoughts or work.

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3. I understand that the Village has the right to re-post or share any *content*, photos or videos that I submit on this or other Village of Chagrin Falls *Social Media Sites*.
4. I have read and understand the Policy, including the right of the Village of Chagrin Falls to remove, or archive *content* as described in the Village of Chagrin Falls' policy and as may be allowed by law.
5. I understand that any *content* I provide may be considered a "public record" under state law.
6. I understand and agree that unless specifically identified as a resource for receiving requests for information under the state public information laws, Village of Chagrin Falls *Social Media Sites* are not proper vehicles for making requests for public information or public records under state law and any such requests must be made to the appropriate custodian of the records.
7. I understand and agree that my and others' comments are subject to archiving and that my comments and others' comments are subject to removal in whole or in part from this site if my or their comments contain:
  - comments not directly on the topic raised for discussion,
  - obscene, indecent, or profane language, or pornographic images
  - direct threats,
  - **Content** that promotes discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, ethnicity, age, disability, or gender identity,
  - the solicitation, promotion or endorsement of specific commercial services, products or entities,
  - links to any site or Content posted by automatic software programs (i.e. "bots"),
  - the promotion or encouragement of illegal activity,
  - personally identifiable information or sensitive personal information that if released violates federal or state law,
  - The promotion or endorsement of a political campaign or candidate,
  - Information that compromises the public safety or security of the public or security systems,
  - Information that directly interferes or compromises ongoing investigations, public safety tactics, or the safety of public safety officers,
  - Confidential or exempt information in violation of state or federal law, or

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- Appear to violate the-intellectual property right of the Village of Chagrin Falls or a third party under federal or state law.

8. I also understand that the views and comments expressed on this site only reflect those of the comment's author, and do not necessarily reflect the official views of the Village of Chagrin Falls , its elected and appointed *Officers* and *Employees* or its departments and agencies.

9. Waiver of Liability.

Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the Village of Chagrin Falls accepts no responsibility based on the actions of others or for creating this *Social Media Site*, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the Village of Chagrin Falls , including its *Officers* and *Employees*, from any and all actions, claims, liabilities and damages of whatever kind and nature arising out of or in connection with my use of the Village of Chagrin Falls *Social Media Site/Account*.

By posting or commenting I acknowledge that I understand and accept these terms of use.”

**6.3 Biographies used on Village Social Media Sites.** Departmental accounts that require biographies or other user specific information will read “Village of Chagrin Falls,” and contain a link to the department’s website. Where possible, departmental usernames should begin with Village name or another identifier of Village.

**6.4 Identification.** All *Village Social Media Sites* must clearly indicate that the Social Media site that is maintained by the Village and must have appropriate Village contact information prominently displayed.

**6.5 Links.** Links placed on *Village Social Media Sites* should only link to a resource on the Village’s website [www.chagrin-falls.org](http://www.chagrin-falls.org) a Village-owned Web site, a state, federal or local government site, an educational Web site (.edu) or an organization with an official partnership or supportive business relationship with a Village department or program, such as IMLA at [www.imla.org](http://www.imla.org).

**6.6 Design.** Design elements (logos, background, images) should be appropriate to the subject matter and consistent with the Village's design guidelines, which are available from the *Social Media Administrator*.

**6.7 Intellectual Property Rights and Confidential Information.** Information that is proprietary, copyrighted or any other intellectual property, attorney-client privileged, or information subject to state or federal privacy laws, and information not subject to disclosure as provided

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in Chapter 149 of the Ohio Revised Code (“confidential information”) must not be posted on **Village Social Media Sites**. Any questions concerning this standard should be directed to the **Social Media Administrator**. An owner of copyrighted material or other intellectual property who believes the owner’s rights are infringed must promptly notify the **Social Media Administrator**. The **Social Media Administrator** must take appropriate action upon notification. (Can be deleted??)

**6.8 Data Tracking.** Most social media sites offer some mechanism for capturing data or tracking user trends and activity. It is the responsibility of the **Social Media Administrators** to use these applications to ensure the most effective use of social media outlets

**6.9 References, Links and Embedded Content.**

- a) Any references or links to a specific entity, product, service or organization posted by individuals on the **Village Social Media Sites** must not be considered an endorsement by the Village or its departments or **Employees**.
- b) The Village should not sponsor or endorse any other website(s) linked to its website or to **Village Social Media Sites**. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the Village and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the Village or its **Employees** or **Agents**.
- c) The Village is not responsible for **Content** that appears on external links.
- d) The Village is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its **Content**.
- e) The Village reserves the right to and may delete links and embedded **Content** that violate the Village’s **Social Media** policy.

**6.10 Employee Requirements for the Village’s Social Media Sites.**

**6.10.1** Employees responsible for setting up or maintaining **Village Social Media Sites** must use their Village issued email accounts in order to conduct municipal social media operations in a manner that is cybersecurity prudent and more password secure. By operating social media platforms using only public emails, the Village’s IT Department is able to better control accounts in the event that a rapid change must be made.

**6.10.2 Social Media Administrators** and **Employees** authorized as part of their official duties to post information, make comments, and send messages to the public on a department’s Social Media Site must set up the account using the Village [department’s] name where a user creates a business account in the user’s name to facilitate transparency in communications. Accounts established under this provision are Village owned accounts and belong to the Village.

**6.10.3** A platform requiring a user to create a business account in the user’s name established by an **Employee** under this policy must:

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1. Contain the **Employee's** name.
2. Be created using the administrator or **Employee's** Village issued email address.
3. Be set up so that the page does not allow "wall posts" or "friending" the **Employee**.
4. Be used solely for Village business in connection with the **Employee's** department's social media page, and must not allow comments or "friending" the administrator or **Employee**.
5. The **Employee** must comply with the provisions of this policy found in the Village's Policy and Procedure Manual currently located in Chapter 10 of such Manual and provide the required information to the specified officials.

**6.10.4** There is no reasonable expectation of privacy associated with the administration of a **Village Social Media Site** or an account established under this policy.

**6.10.5** All social media interaction involving a **Village Social Media Site** or account may be subject to relevant records retention law and open records statutes.

**6.10.6** Upon employee termination, retirement, or other form of separation from employer or change in job duties, account ownership remains the Village's and the **Employee** must take all necessary steps to protect the Village's interest in the site or account.

**6.10.7** Administrators and Village **Employees** and **Officers** must not form groups/pages that are private or closed to the public under Section 6.6 Restricted Access Platforms without the express approval of the Chief Administrative Officer. It is important to note that in the event that such a group is created, it may be subject to records retention, open records statutes and other applicable law.

**6.10.8** **Employees** using **Village Social Media Sites** in their official capacity, in the scope of their employment or while on duty, whether as an administrator or as a responder to a posting, must follow these guidelines:

- a. Unless posting or responding as the site administrator, **Employees** must be clear about his/her role in regards to the subject and the extent of the Employee's authority to speak for the Village.
- b. Write and post about his/her area of expertise, especially as related to the Village and daily assignment(s). When writing about a topic for which an **Employee** is not the Village's expert, make this clear to readers.
- c. Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
- d. .
- e. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time, so consider content carefully.
- f. Refrain from expressing personal opinions or positions regarding policies, programs or practices of other public agencies, political organizations, private

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companies or non-profit groups.

**6.10.9 Employees** who fail to comply with this Policy, including without limitation the guidelines under Section 6.15 Employee Requirements for the Village's Social Media Sites of the Policy are subject to discipline up to and including termination of employment. In addition, the Village may sue to enjoin compliance with this Policy and those provisions or for damages.

**6.10.10** All **Employees** must sign a written acknowledgement that they have received, read, understand and agree to comply with this Policy.

**6.11 PRIVACY**

All users of **Village Social Media Sites** are subject to the site's own privacy policy as well as privacy laws applicable to the Village. The Village has no control over third parties' privacy policies or modifications to such policies.

**6.12 DATA OWNERSHIP AND COPYRIGHT POLICY on Village Social Media Sites/Accounts**

The Village retains the rights to all text, photographs, graphics of any kind and other **Content** found on **Village Social Media Sites** that was produced by the Village. All social media communications or messages composed, sent, or received on Village equipment in an official capacity are the property of the Village. The Village maintains the sole property rights to any image, video or audio captured while a Village **Employee** is representing the Village in any capacity even if disseminated over **Village Social Media Sites** whether the dissemination is authorized or unauthorized unless a release of those property rights has been specifically granted.

**6.13 Third Party Copyright or other Intellectual Property Interest**

**Content** that violates a legal ownership interest of any party or copyright or other intellectual property should not be posted or submitted in any form without permission of the holder of those rights. Any person redistributing **Content** subject to a third-party copyright or other intellectual property via the **Village Social Media Sites** must adhere to the terms and conditions of the third party intellectual property or copyright holder and upon request of the holder of the copyright or owner of other intellectual property such **Content** may be removed from the site.

**6.14. Removing Content, Posts or Comments of the Public.**

When the Village determines to remove **Content** of a person who is not an **Employee** and who was not acting on behalf of the Village, the **Social Media Administrator** must endeavor to contact the person promptly to notify them of the action. The person may appeal the decision under Section

8.6 Right to Appeal Removal of Content or Application of this Policy to the Public of this Policy. When **Content** is removed because it is a potential security breach or may contain a virus, the notice under this Section is not required, but the person responsible for the post may appeal the decision under Section 8.6 Right to Appeal Removal of Content or Application of this Policy to the Public.

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**7.0 RECORDS RETENTION, PUBLIC RECORDS AND OPEN MEETINGS**

**7.1 Public Records and Records Retention.** *Custodian* must ensure that **Village Social Media Sites** meet the requirements of law regarding record retention, disposal and retention schedules. Departments maintaining **Village Social Media Sites** or using social media tools must preserve records as required by law for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Further, the **Social Media Administrator**, or any **Employee** may only destroy, transfer, or otherwise dispose of records in accordance with records disposition schedules.

**7.2 Open Records.** State law governs whether **Content** in **Village Social Media Sites**, including a list of subscribers and posted communications, is a public record. The Social Media Administrator, or the appropriate department, board, commission or committee of the Village maintaining the account or site is responsible for working with the **Custodian** in responding completely and accurately under the requirements of State law to any public information requests for information on social media.: **Content** must be maintained in an accessible format so that it can be produced in response to a request. Difficulty in accessing the information does not excuse compliance. **Village Social Media Sites** must offer notice to users that their use of **Village Social Media Sites** may be subject to public information requests and that their identifying information and posts to **Village Social Media Sites** to the extent required by law must be disclosed. An **Employee** who removes, deletes or redacts **Content** from social media may be destroying a public record if such record is not properly archived and made available for public inspection.

**7.3. Open Meetings and Public Business.** State law governs whether communications must be discussed in an open meeting or constitutes a meeting. Communications about public business may come under the Open Meetings law, Chapter 121 of the Ohio Revised Code . **Employees** and members of any council, board, committee, commission or agency must comply with state law and must not use **Village Social Media Sites** to discuss matters that can only be discussed in an open meeting under the state law regulating Open Meetings. A member of a public body such as a board member who “likes,” comments, shares, tweets, or otherwise engages in another board member’s **Content** on social media may be communicating Village business and the state law may apply.

**8.0 LIMITATION ON LIABILITY OF VILLAGE**

**8.1.** The Village strives to post accurate and relevant **Content**, but does not guarantee the accuracy of any information posted on **Village Social Media Sites** and assumes no liability for damages resulting from reliance on any inaccuracies.

**8.2.** The Village does not warrant that **Village Social Media Sites** will be uninterrupted, permanent or error free.

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**8.3.** The *Village Social Media Sites* should not be considered by investors determining whether to invest or continue to invest in the Village's debt offerings; information regarding the Village's financial position is posted available from the Finance Director of the Village.

**8.4** *Village Social Media Sites* are not intended to operate as traditional open public forums. When and if the Village opens the site for public comment it does not intend to open the site for any and all purposes but to open the site for limited discussion of only those topics specified by the Village on that site. In some instances, sites may be non-public forums, that is, not open to public comment at all, and in other instances, sites may be designated limited public forums and their purpose is only to advance the business purposes of the Village on those specific topics. It is currently a policy of the Village of Chagrin Falls not to open *Social Media Sites* of the Village for public comment. It is only intended to be a one-way communication and to be deemed as a non-public forum.

**8.5 Reserved**

**8.6 Right to Appeal Removal of Content or Application of this Policy to the Public.**

**8.6.1** When a post or comment has been removed, anyone aggrieved other than an *Employee* as provided in 8.6.3 below may seek to have the *Social Media Administrator* reconsider the decision to edit or remove a comment by providing the *Social Media Administrator* with a written request stating the reason or reasons why the comments do not fall within those limitations established in this policy or offer other bases to establish a right to publish the comments or other communications on the *Village Social Media Site*. The *Social Media Administrator* or other appropriate official must render a written decision on the request within one business day (excluding official Village Holidays) of receipt of the request noting the basis for the decision. The decision of the *Social Media Administrator* or other appropriate official shall be the final administrative decision of the Village. (This allows for comment removal IF we have terms for the forum written)

**8.6.2** The rights to appeal created in this Section do not apply to an *Employee* when the *Employee* is acting in an official capacity or as a representative of the Village and may only apply when the *Employee* is acting in the *Employee's* personal capacity as a private party and when exercising the rights accorded a person under the Constitution and the laws of the United States. An *Employee* who feels aggrieved by any action under this Policy not covered by this Section should seek review through established grievance procedures, if applicable, or through the *Employee's* chain of command.

**9.0 Transferring Ownership, Administrative Rights and Responsibilities for a Social Media Site Account**

When the *Social Media Administrator* or an *Employee* needs to make a change to the administrators responsible for the *Village Social Media* account, the following actions shall occur:



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- Notify the Village's **Social Media Administrator** before the change needs to occur. Include whether the change in ownership is to a different administrator or to an entirely different department or board, as applicable, within the Village
- The new administrator shall be given all administrative rights to the social media site/account and the administrator's digital identity
- Administrative rights for the departing administrator must be revoked immediately when such administrator separates from service or is transferred to a different role.
- Any **Employee** who improperly uses administrative rights to a **Village Social Media Site** while employed may be disciplined up to and including termination and any person who having left employment improperly uses administrative rights to a **Village Social Media Site** shall be prosecuted to the fullest extent of the law.

Whenever passwords are established for any Village owned or controlled Social Media Site, the password(s) shall be provided to the Social Media Administrator and the Chief Administrative Officer of the Village of Chagrin Falls. No change shall be made in any password without seeking approval from the Social Media Administrator and the Chief Administrative Officer, and upon the change being made, notice of the new password(s) shall be provided to the Social Media Administrator and the Chief Administrative Officer. The Chief Administrative Officer shall maintain a directory of social media passwords which will also be available to the Mayor. Passwords shall be stored in secure sites where the access is limited to the Social Media Administrator, Chief Administrative Officer and the Mayor.

#### **10.0 Deactivating a Social Media Site/Account**

If a decision is made by the Chief Administrative Officer to deactivate a social media site/account, because it is no longer of use, or no longer accomplishing the goals of the Village or Department, Board or Commission of the Village, or otherwise does not comply with this Policy or other policies of the Village, the following actions shall occur:

- Obtain approval from the Village Council to deactivate or delete a Village Social Media Site or Account, which approval may be obtained by a motion made and sustained by a majority of the members of Council.
- Confirm all public records management to preserve content related to the site/account has occurred
- Set a time-line for deactivating the site
- Develop a "sign-off" message to post on the site that includes when the site shall be closed and a "sign-off" message to post during the final days/weeks
- Confirm to the *Mayor and Village Council* once the site has been deactivated that the site is completely deactivated
- Determine whether to protect the site name by keeping it active to prevent use of the Village's name for improper purposes and upon a determination that it is necessary to

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protect the site name take all necessary action to do so.

- In the event of an emergency, where deactivation must be made immediately, the Chief Administrative Officer shall notify the Mayor and Council and Council shall, at their next regularly scheduled meeting, either ratify such deactivation or order the reactivation of the Village Social Media Site with appropriate measures to comply with this Social Media Policy.

**11.0 USE OF VILLAGE SOCIAL MEDIA SITES IN TIMES OF DISASTER OR EMERGENCY**

In disaster or emergency situations, the Chief Administrative Officer and/or the Mayor may assume control of *Village Social Media Sites* to ensure that communications are managed appropriately. The *Social Media Administrator* either directly or under the direction of the Chief Administrative Officer must facilitate use of the *Village's Social Media Sites* to ensure timely dissemination of information during the emergency.

**12.0 EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN OFFICIAL USE OF VILLAGE SOCIAL MEDIA SITES/ACCOUNTS**

**12.1** *Employees* assigned to work on and maintain *Village Social Media Sites/accounts* must adhere to the principles and standards articulated in this policy. Non-exempt *Employees* must not work on departmental *Social Media Sites/accounts* during off-duty hours unless specifically pre- approved to do so in writing by the employee's supervisor. All such time worked outside the employee's normal work schedule must be reported and included in the employee's regular work week. If an *Employee* is in a non-exempt position, any work in excess of 40 hours will be paid overtime in accordance with law and Village policy.

**12.2** Village resources, work time, social media tools, and a Village *Employee's* official position must not be used for personal profit, private gain or loss, or business interests or to participate in political activity. For example, a building inspector may not use the Village's logo (or its likeness), email, or work time to promote a side business as a plumber or support a political candidate.

**12.3** An *Employee's* use of Village resources or equipment, including the Internet or *Village Social Media Sites* is not private and an Employee has no expectation of privacy while using the Internet or the *Village Social Media Site*. An *Employee's* use may be investigated and monitored at any time.

**12.4** *Employees* shall protect all confidential and exempt information, including all sensitive information relating to Village business, its *Employees* or residents, as required by law or policy.

**13.0 Violation of Policy by Employees.**

Violations of this Policy are considered misconduct and may result in discipline up to and

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including indefinite suspension or termination as authorized or permitted by law or policy.

**14.0 Violation of Policy by Members of Village Council, Boards, Committees, Commissions or Agencies. (and Mayor?)**

Violations of the policy by members of the Village council, its boards, committees, commissions or agencies may be deemed acts of malfeasance and cause for sanctions including removal from office, as appropriate, authorized or permitted by law or policy. In addition, the Village may seek other appropriate relief including damages or an injunction to enforce compliance.

**15.0 Controlling Authority**

This Policy does not amend any duly adopted law or ordinance of the Village.

**16.0. Severability and Savings.**

If any part or provision of this Policy or the application to any person or circumstance is held invalid or unconstitutional, such declaration shall not affect the other parts or provisions or application of the Policy which can be given effect without the invalid or unconstitutional part or provision or application and are therefore deemed severable.

**EFFECTIVE DATE.** This Policy shall become effective upon adoption of an Ordinance approving this policy.

## **EXHIBIT B**

### **SUPPLEMENTS TO THE VILLAGE OF CHAGRIN FALLS POLICY AND PROCEDURES MANUAL**

#### **SECTION 10. Employee Obligations and Restrictions of Personal Use of Social Media.**

**10.1 Preamble.** The Village recognizes that many Village Employees use Social Media tools such as Facebook in their personal lives. Therefore, this policy provides guidelines for Village Employees when they communicate on Social Media sites as a private party where doing so may be considered a violation of their rights of free speech, and requires Employees when they are speaking as private party to clearly communicate their status in doing so and do not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace, to protect confidential information, to adhere to the rules of ethics, public records laws and open meeting law requirements among other compelling governmental interests.

**10.2** Personal or non-official use of social media is the day-to day use of social media sites by employees that is not related to official duties. Consistent with the Village's policies on use of the Village's telephone and email systems, incidental and occasional personal use of social media is permitted during work hours provided it is very limited in duration and does not have a detrimental effect on employee productivity.

**10.3** Prohibition on using personal and business accounts tied to Village. Personal or private business venture social media account names must not be tied to or connected with the Village. For example, Village/Chagrin Falls Police Lieutenant would not be an appropriate personal account name.

**10.4** If commenting on Village business in their personal capacity, Employees must use a disclaimer, which establishes that their comments represent their own opinions and do not represent those of the Village.

**10.5** Employees must not attribute personal statements or opinions to the Village when engaging in private blogging or postings on social media sites and if through their identification or posts any confusion as to whether their statements might be attributable to the Village they must clarify that their posts are their own and not those of the Village. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, an employee must include a disclaimer clarifying that the social media communications reflect only the employee's personal views and do not necessarily represent the views of the Village or the employee's department or board or agency, as applicable. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion that may arise.

**10.6** Employees must not use their Village email account or password in conjunction with a personal social networking site.

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**10.7 Use of Non-Public Information:** Employees must not use nonpublic information to further their own private interest (gain or loss) or that of another, whether by engaging in financial transactions using such information, through advice or recommendation, or through unauthorized disclosure. Further, Employees shall not make intentional, or careless or unintentional disclosures of non-public information, unless the disclosure is authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of confidential, proprietary or privileged information.

**10.8 Personal Use of Social Media.** The Village respects its Employees' private rights to post and maintain personal websites, blogs and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The following guidelines apply to personal communications using various forms of social media:

- a. The Village expects its Employees to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the Village. When a person can be identified as a Village Employee or Agent, those Employees and Agents must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the Village. This Section and its limitations apply when the action of the Employee adversely affects the Employee's work, job duties or ability to function in the Employee's position or creates a hostile work environment.
- b. Employees and Agents and others affiliated with the Village must not use a Village brand, logo or other Village identifiers on their personal sites, nor post information that purports to be the position of the Village without *prior* authorization of the Chief Administrative Officer.
- c. Employees and Agents are discouraged from identifying themselves as Village employees when responding to or commenting on blogs with personal opinions or views. Employees must not use their Village title when engaging in personal use of social media. If an employee chooses to identify him or herself as a Village of Chagrin Falls employee, and posts a statement on a matter related to Village business, a disclaimer similar to the following must be used:  
"These are my own opinions and do not necessarily represent those of the Village."
- d. Incidental and occasional access to personal social media websites during work hours may be permitted, but Employees must adhere to the guidelines outlined in this Policy and Procedures Manual. Employees should also ensure that they do not violate the Village's ownership interests in any *Content (as defined in the Village Social Media Policy adopted by the Village)*.
- e. There may be times when personal use of social media (even if it is off-duty or using the Employees' and Agents' own equipment) may affect or impact the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include but are not limited to:
  - Friendships, dating or romance between co-workers

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- Cyber-bullying, stalking or harassment
  - Release of confidential or private data
  - Unlawful activities
  - Misuse of Village-owned social media
  - Inappropriate use of the Village's name, logo or the employee's position or title
  - Using Village-owned equipment or Village-time for extensive personal social media use
  - Violation of law, whether federal, state, local or a Village policy.
- f. Each situation will be evaluated on a case-by-case basis because the laws in this area are evolving. Employees are encouraged to discuss types of activities that might result in discipline with their supervisor or superior, and in the case of doubt with the Chief Administrative Officer.

**10.9 Violation of Policy by Employees.**

Violations of this Policy are considered misconduct and may result in discipline up to and including indefinite suspension or termination as authorized or permitted by law or policy.

Employees should also be aware that some conduct discussed in this Policy may violate other laws for which there are criminal or civil penalties. Adoption of this policy should not be seen nor is it intended to vary the terms or requirements of other laws governing behavior in the workplace or behavior outside the workplace but which affects the workplace.

**10.10 Controlling Authority**

This Policy does not amend any duly adopted law or ordinance of the Village.

**SECTION 11. Fraud Reporting System Information.**

11.1 Pursuant to Ohio Revised Code 117.103(B)(1), a public office shall provide information about the Ohio Fraud-Reporting System and the means of fraud to each new employee with the public office. Each new employee has thirty (30) days after beginning employment to confirm receipt of this information.

11.2 By receiving this Policies and Procedures Manual and by acknowledging receipt of the Manual, you are acknowledging that the Village Administration provided you information about the Fraud-Reporting System as described by Section 117.103(A) of the Revised Code, and that you read and understand the information provided.

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I \_\_\_\_\_, have read the information provided by my employer regarding the Fraud-Reporting System operated by the Ohio Auditor of State's Office. I further state that the undersigned's signature acknowledges receipt of this information.

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Print Name, Title and Department

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Signature

Date