

**DUPAGE TOWNSHIP
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 20-09
10**

**AN ORDINANCE
ENACTING A SOCIAL MEDIA AND ELECTRONIC COMMUNICATION POLICY
FOR DUPAGE TOWNSHIP**

**FELIX GEORGE, Supervisor
KULSUM ALI, Clerk**

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Prepared by OSMF&M, Ltd. - Township Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

ORDINANCE NO. 20-09

**AN ORDINANCE ENACTING A SOCIAL MEDIA AND ELECTRONIC
COMMUNICATION POLICY FOR DUPAGE TOWNSHIP**

WHEREAS, DuPage Township, Will County, Illinois (the "Township"), is a duly organized and existing township and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of Illinois' Township Code, 60 ILCS 1/1-1, *et seq.*, and all laws amendatory thereto; and

WHEREAS, the Township Supervisor (the "Supervisor") and the Township Board of Trustees (the "Board") are committed to ensuring the effective administration of government and the responsible management of taxpayer money; and

WHEREAS, the Supervisor and Board seek to establish policies and procedures governing the proper and consistent manner of administering Township social media and electronic communication platforms that are used by, belonging to, or otherwise affiliated with the Township; and

WHEREAS, the Township establishes this Social Media and Electronic Communication Policy to institute a uniform policy governing the use, regulation, and oversight of all Township social media and electronic media platforms; and

WHEREAS, this Social Media and Electronic Communication Policy shall govern the use of DuPage Township is intended (i) to ensure proper controls for use, regulation, and oversight of all Township social media, electronic communication, or other media platforms used to obtain or convey information that is useful to, or that will further the goals of, the Township; (ii) to clarify expectations and responsibilities for Township Employees, Township Elected or Appointed Officials, and the public; and (ii) to promote transparency regarding the management of Township social media and electronic communications; and

WHEREAS, the Supervisor and Board of Trustees of DuPage Township, Illinois, find it to be in the best interest of the Township to enact a Social Media and Electronic Communications Policy in accordance with the requirements of the Illinois Township Code and any other related legal requirements.

NOW, THEREFORE, BE IT ORDAINED, by the Supervisor and Board of Trustees of the DuPage Township, Will County, Illinois as follows:

Section 1. That the above recitals and legislative findings are true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Supervisor and Board of Trustees for DuPage Township hereby adopt the **Social Media and Electronic Communications Policy**, which is attached hereto and incorporated herein as **Exhibit A** and directs appropriate Township Employees and officials to take all actions necessary and proper to implement said policy.

Section 3. The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance (or any portion of any Exhibit incorporated therein) be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, but such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and all other provisions shall remain unaffected, unimpaired, valid, and in full force and effect.

Section 4. All ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded and repealed, provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Township prior to the effective date of this Ordinance.

ADOPTED by the Supervisor and Board of Trustees of DuPage Township, Will County, Illinois this 10th day of June, 2020, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Trustee Benford	✓			
Trustee Oliver			✓	
Trustee Burgess			✓	
Trustee Raga	✓			
Supervisor George	✓			
TOTAL:	3	0	2	0

APPROVED at a Regular Meeting of the Board of Trustees of the DuPage Township, on June 16, 2020.


FELIX GEORGE, Township Supervisor

ATTEST:


KULSUM ALI, Township Clerk

EXHIBIT A

SOCIAL MEDIA AND ELECTRONIC COMMUNICATION POLICY

FOR DUPAGE TOWNSHIP

SOCIAL MEDIA AND ELECTRONIC COMMUNICATION POLICY FOR DUPAGE TOWNSHIP

I. PURPOSE

DuPage Township (the "Township") recognizes that social media and other electronic communication platforms have become common forms of communication among residents, media outlets, government agencies, businesses, and others. This technology provides the Township with additional avenues to share news releases, inform the public of Township news, services, activities and events. Additionally, social media provides the ability to share other information that supports the Township's goals and provides a two-way means by which to interact with residents, visitors, media, local businesses, service providers and others.

This policy establishes this Township's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

Nothing in this policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. DuPage Township encourages. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws

II. POLICY

Social media provides a new and potentially valuable means of assisting the Township and its personnel in meeting community outreach, problem-solving, investigative, prevention, and related objectives. This Policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Township also recognizes the role that these tools play in the personal lives of some Township personnel. This Policy is specifically designed to govern the official use of Township social media and related forms of electronic media communication.

This Policy shall, for all purposes, supplements, and shall in no way supersede, any existing social media policy applicable specifically to Township Employees, including, *inter alia*, Section 2.18 of the DuPage Township Employee Handbook, as amended from time to time. To the extent of a direct conflict between regulations, the more restrictive provision or rule shall apply.

A. DEFINITIONS

For the purposes of this Policy, the following definition shall apply:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: Content that an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. It includes, but is not limited to, all web-based applications that permit the sharing and collaboration of information via internet communities, social networking sites (i.e. Facebook), microblogging sites (i.e. Twitter, Nixle), photo- and video-sharing sites (i.e. Flickr, YouTube), wikis (i.e. Wikipedia), blogs, news sites, (i.e. Digg, Reddit) and other similar and/or future web-based applications.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

Personnel: any Township Employee, public employee, Township volunteer, Township intern, Township elected official, or any person performing Township functions.

B. DUPAGE TOWNSHIP SANCTIONED PRESENCE ON SOCIAL MEDIA SITES

DuPage Township's Social Media Page or application shall be administered at the direction of the Township Supervisor or his/her designee and as delegated by the Township Supervisor from time to time and shall adhere to the following procedures:

1. Public Forum Strategy

- a. Township Social Media Pages and applications shall include a statement that clearly specifies that they are maintained by DuPage Township and that they follow the Township's Social Media Policy.
- b. Township Social Media Pages and applications shall clearly specify the Disclaimer, the Comment Policy, the Reporting/Removal of Unauthorized Comments, and the Privacy Policy.

- c. Where possible, the site(s) should link to the Township's official website for forms, documents, online services and other information necessary to conduct business with DuPage Township.
- d. Social media site(s) shall be designed for the target audience(s) such as residents, youth, or potential businesses and employees.

2. Limited Public Forum.

The Township's Social Media accounts, Pages, and applications are limited public forums. The Township does not make its social media accounts available for general public discourse, but rather reserves and limits the topics that may be discussed on the social media accounts.

3. Procedures

- a. All Township Social Media Pages, applications, and sites shall be approved by the Township Supervisor or his or her designee.
- b. Where possible, social media pages shall clearly indicate they are maintained by DuPage Township and shall have Township contact information prominently displayed.
- c. Social Media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - i. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - ii. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Township.
 - i. Pages shall clearly indicate that posted comments will be monitored and that the Township reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - ii. Sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- e. The Township shall ensure that visitor's to the Township's Social Media Pages and applications are notified that the Township's

Social Media Pages, applications, and other electronic media accounts are not monitored 24/7, and as such, posts and responses should not be immediately expected. Accounts are typically monitored during normal business hours. As the Township's social media accounts are not monitored 24/7, users shall be advised NOT to use the Township's Social Media to report a crime, emergency situation, or other circumstances requiring an immediate response by the Township or otherwise. Crime reports and requests for police, fire or emergency medical assistance must be made by dialing 9-1-1.

4. Social Media Site Page & Application Usage

- a. Social Media can be used for community outreach and engagement by:
 - i. Providing crime prevention and health tips;
 - ii. Offering online incident reporting opportunities;
 - iii. Sharing mapping and data;
 - iv. Soliciting tips to improve Township services or crime prevention;
 - v. Press releases on Township updates, projects, awards and community partners and community events
 - vi. Township initiatives;
 - vii. Community Outreach to inform residents on economic and development issues;
 - viii. Special promotions and marketing tools;
 - ix. Meetings, agendas, and other announcements;
 - x. Other community outreach and engagement opportunities as deemed relevant by the Township.
- b. Social Media can be used to make time-sensitive notifications related to:
 - i. Road closures;
 - ii. Township events or community events;
 - iii. Weather emergencies;

- iv. Missing or endangered persons;
 - v. Health emergencies;
 - vi. Monthly observances;
 - vii. Other time-sensitive notifications as deemed relevant by the Township.
- c. Township personnel, including elected and appointed officers, representing the Township *via* social media outlets shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media and shall comply with all applicable policies, laws, and regulations, including, *inter alia*, Section 2.18 of the Employee Handbook providing for the "Social Media Policy and Guidelines," as amended from time to time. No private business or political activities may be conducted through the use of Township Social Media by individuals officially representing the Township on said Social Media. Township personnel and officers may not make statements about the guilt or innocence of any individual or group, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to employee training, activities, or work-related assignments without express written permission.

5. SOCIAL MEDIA USER COMMENT POLICY

- a. The DuPage Township Website and DuPage Township Social Media Pages and Application sites shall be the primary sites available for user comment by electronic submission.
- b. DuPage Township reserves the right to remove and/or investigate User Comment posted to or transmitted via the DuPage Township website, Social Media Pages or applications, Email, or any of its authorized third-party software applications as well as any other actions which DuPage Township determines, through the direction of the Township Supervisor, in its sole judgment, to be inappropriate, offensive, illegal or might violate the rights, harm or threaten the safety of others or otherwise violate this Policy. The following is a partial list of the kind of user comment that is prohibited from transmission through DuPage Township online services:
 - i. Comments unrelated to the business, purpose and topical scope of the Township site;

- ii. Threats, personal attacks, harassment or advocating the harassment of another person;
- iii. Content that defames or is potentially libelous of any person or organization;
- iv. Content that contains hate speech or promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- v. Profane, obscene, sexual or pornographic content or language and/or links to such content;
- vi. Content that contains or encourages violence or the violation of any federal, state or local law; Content that is in violation of Illinois Stalking (720 ILCS 5/12-7.3 *et seq.*), Cyberstalking (720 ILCS 5/12-7.5 *et seq.*), Threatening a Public Official, (720 ILCS 5/12-9 *et seq.*), Disorderly Conduct laws (720 ILCS 5/26-1 *et seq.*), or any other similar law, regulation, or order;
- vii. Impersonating any person or entity or falsely misrepresenting your affiliation with any other person or entity;
- viii. Promoting or providing information that is false or misleading;
- ix. Solicitations of commerce including but not limited to, advertising of any non-government related event, or business or product for sale;
- x. Behavior invasive of another person's or entity's privacy; Content containing personal identifiable information, such as an address, phone number, social security number or other sensitive information;
- xi. Information which may interfere with or compromise current investigations, police tactics and the safety or security of public safety staff and/or the public or electronic systems;
- xii. Promotion or advertisement in favor of, or in opposition to a political campaign, ballot measure or candidate;

- xiii. Distribution of copyrighted photographs, music, video, graphics or other content without the express permission of the copyright holder; and
 - xiv. Taking any action that disrupts the operation of the service, including Cyber Attacks, Malware, Phishing, Spam, Viruses, Man-in-the middle attack (MithM), Denial-of-service attack (DoS), Structured Query Language (SQL), Zero-day exploit or any other form of Cyber Attack.
- c. A comment posted by a member of the public on any DuPage Township Social Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, DuPage Township, nor do such comments necessarily reflect the opinions or policies of DuPage Township
 - d. Township Personnel, at the direction of the Township Supervisor, shall monitor the Social Media sites for comments requesting responses from the Township and for comments in violation of this policy.
 - e. DuPage Township reserves the rights to modify its Social Media User Comment Policy at any time and will notify the public by posting an amendment to the Privacy Policy on the website. Such modifications will become effective on the day they are posted.

6. REPORTING/REMOVAL OF UNAUTHORIZED COMMENTS

- a. The Township requires that Township Personnel shall immediately notify the Township Supervisor if there is any posted material that may be inappropriate, that violates this Policy, any Township policy, any federal, state or local law, or that potentially infringes the copyrights or other rights of any persons. The Township Supervisor, through his or her designee, shall investigate and respond to all reports of potential violations of this Policy. Any content deemed not suitable shall be removed by Township staff.
- b. Any content removed based on these guidelines must be retained by the Township for a reasonable period of time and pursuant to the relevant records retention schedule, including the time, date and identity of the poster, when available. Such record may be in the form of a screen capture and shall contain a description of the reason the specific content was rejected and removed.
- c. Upon removal of content, whenever possible, the Township shall notify the commenter that their response has been deemed inappropriate and removed due to inconsistency with the

Township's content requirements. However, DuPage Township reserves the right to remove comments on the Townships' Social Media Pages, applications, or other electronic media from any individual who violates the DuPage Township Social Media Policy, at any time and without prior notice.

- d. Comments on DuPage Township Social Media Pages, applications, or other electronic media that violate any federal, state or local law shall be referred to the appropriate law enforcement agency.
- e. Comments on DuPage Township Social Media Pages, applications, or other electronic media that violate any terms of service/use of any of the Social Media Sites used by the Township shall be referred to the appropriate Social Media site. Specifically, to the extent applicable and without limitation, the following shall apply:
 - i. All user comments posted to any DuPage Township Twitter sites are bound by Twitter's Terms of Service, located at <https://twitter.com/tos>. DuPage Township reserves the right to report any violation of Twitter's Terms of Service to Twitter with the intent of Twitter taking appropriate and reasonable responsive action. DuPage Township has no control over Twitter's policy or the modifications to it, which may include removal of User comment and/or blocking Users from using the Township Twitter sites for certain violations of Twitter policies.
 - ii. All user comments posted to any DuPage Township Instagram sites are bound by Instagram's Terms of Use, located at <https://help.instagram.com>. DuPage Township reserves the right to report any violation of Instagram's Terms of Use to Instagram with the intent of Instagram taking appropriate and reasonable responsive action. DuPage Township has no control over Instagram's policy or the modifications to it, which may include removal of user comment and/or blocking users from using the Township Instagram sites for certain violations of Instagram policies.
 - iii. All user comments posted to any DuPage Township LinkedIn sites are bound by LinkedIn User Agreement, located at <https://linkedin.com/legal/user-agreement>. DuPage Township reserves the right to report any violation of LinkedIn User Agreement, to LinkedIn with the intent of Twitter taking appropriate and reasonable responsive action. DuPage Township has no control over LinkedIn's policy or the modifications to it, which may include removal of user

comment and/or blocking users from using the Township LinkedIn sites for certain violations of LinkedIn policies.

iv. All user comments posted to the *Neighbors* app by Ring are bound by Ring's Terms of Service, located at <https://shop.ring.com/pages/terms>. DuPage Township reserves the right to report any violation of Ring's Terms of Service to Ring with the intent of Ring taking appropriate and reasonable responsive action. DuPage Township has no control over Ring's policy or the modifications to it, which may include removal of user comment and/or locking Users from using the Township-related sites for certain violations of Ring policies.

f. Should the Township join any Social Media Page, utilize an application, or otherwise use a different form electronic media not specifically delineated in this Policy, all user comments posted to DuPage Township Social Media Pages, applications, or other electronic media will bound by the Terms of Service, Terms of Use or other User Agreement ("Terms") of that Page or application. The Township reserves the right to report any violation of the Terms, to the Site, Page or application with the intent of the Site, Page, or application taking appropriate and reasonable responsive action. DuPage Township has no control over the Page, Site, or application's Terms or the modifications to it, which may include removal of user comment and/or blocking users from using the Township's Pages, sites, applications, or other electronic media for certain violations of the Terms.

7. **DISCLAIMER**

All users participating in the Township's Social Media Pages, applications, and other electronic media, must consent to and agree to comply with all Township Social Media Policies. Users and visitors to the Township's Social Media shall be notified that the intended purpose of the Page, application, or other electronic media is to serve as a means for communication of Township news, services and events and that it is a limited public forum. By posting or commenting, users agree to the terms of use outlined in this policy, which will be posted to the Township's website and linked to, as technology allows, from each of the Township's Social Media Pages, applications, and/or other electronic media.

The following disclaimer shall be posted and/or referenced on all Township Social Media and the Township Website:

THIS WEBSITE IS MADE AVAILABLE FOR GENERAL REFERENCE ONLY AND MAY NOT REFLECT OFFICIAL POSITIONS OF DUPAGE TOWNSHIP. IT IS UNDERSTOOD THAT THE INFORMATION CONTAINED ON THIS WEBSITE IS BEING USED SOLELY AT THE USER'S OWN RISK.

The DuPage Township website and Social Media Pages are created to provide the public with information about Township government programs, services, projects, issues, activities and events. By using this website or any information or data made available through this website, the user, agrees to all the conditions stated in the following paragraphs. Any information submitted via DuPage Township's website may be considered a public record and may be subject to disclosure to third parties. The Township reserves the right to amend these terms at any time and without further notice.

Neither DuPage Township, nor any department, officer, or employee of DuPage Township warrants the accuracy, reliability or timeliness of any information on this website and may not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Information on this website is not verified and may be incorrect or not current. Any person or entity that relies on any information obtained from this website does so at his/her own risk.

DuPage Township, its departments, officers and employees do not assume any responsibility or liability in connection with the use or misuse of any material, data or information provided on this site and expressly disclaim any and all warranties, whether express, implied or statutory, including but not limited to express and implied warranties of merchantability or fitness for a particular purpose.

DuPage Township retains copyright protection on all text, graphic images, design, sound, and other content on its websites and social media sites. This means that the user may not: distribute the text or graphics to others without the express permission of the DuPage Township; "mirror" this information on their server without the Township's permission; or modify or re-use the text or graphics on this system. The user may print copies of the information for their own personal use and reference this server from your own documents. Commercial use of the materials is prohibited without advance permission from DuPage Township or citing DuPage Township as its source. To inquire about obtaining permission to use any materials from the Township's website, contact the Assistant to the Township Supervisor. DuPage Township reserves all rights.

Communications made through DuPage Township's website and social media pages/sites in no way constitute a legal or official notice to DuPage Township or its departments or any official or employee of DuPage Township for any purpose.

These terms should not be construed as legal advice. These terms are not presented as a complete or accurate recitation of any or all applicable regulations. The use or misuse of any material, data, or information provided on this site may have implications under Federal, State, and local laws that are frequently amended and are at times subject to interpretation. You should seek appropriate legal or other professional advice to address specific facts and circumstances.

III. UNOFFICIAL EMAIL ACCOUNTS & TEXT MESSAGING

A. Unofficial Email Accounts

Township officials and employees should not use their personal email accounts for work-related communications. Such work-related communications may constitute public records subject to the Freedom of Information Act, 5 ILCS 104/1, *et seq.* If an official or employee uses a personal email account for work-related communication (either inadvertently or when it is unavoidable), he or she must ensure that a copy of such email is maintained in official files. This may include, for example, forwarding a copy of each such email immediately to the official's or employee's government email account. This policy applies to all work-related emails sent or received on private accounts, including receipt of unsolicited work-related emails.

For Township Trustees or other purely legislative officials (that is, officials who have no executive branch or administrative roles), all emails discussing public business that are either sent or received during a public meeting or that include a majority of a quorum of the legislative body, shall be sent with an official email account designated by the public body for the purposes of collecting and retaining such emails. Moreover, care should be taken that said communications do not violate the Open Meetings Act, 5 ILCS 120/1, *et seq.*

B. Text Messages

Township officials and employees should not use text messaging for work-related communications. Such work-related communications may constitute public records subject to the Freedom of Information Act, 5 ILCS 5/140, *et seq.* If an official or employee uses a text message for work-related communication (either inadvertently or when it is unavoidable), he or she must ensure that a copy of such work-related text message sent or received by the official or employee is maintained in the official files.

The retention and disposal of these records is subject to the Local Records Act, 50 ILCS 205/1, *et seq.*

IV. POLICY ADOPTION

This Social Media and Electronic Communication Policy for DuPage Township, and any amendments thereto, shall be approved and adopted by the Township Supervisor and Board of Township Trustees

This Policy was enacted and approved on _____, 2020 by Ordinance No. 2020-_____.