



Social Equity and Racial Justice Advisory Committee Meeting Agenda

ASHLAND SOCIAL EQUITY AND RACIAL JUSTICE ADVISORY COMMITTEE

REGULAR MEETING AGENDA

Thursday, March 6, 2025

To attend this public meeting electronically: <https://zoom.us/j/91916272892>

Note: This agenda was updated on 3.4.2025

I. Call to order and Welcome (5 minutes)

1. Land Acknowledgment - We acknowledge and honor the aboriginal people on whose ancestral homelands we work -the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We denounce the egregious acts of the colonizers and government and recognize the horrific impacts that still exist today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza
2. Labor Acknowledgment -We also pause to recognize and acknowledge the labor upon which our country, state, and institutions are built. We remember that our country is built on the labor of enslaved people who were kidnapped and brought to the U.S. from the African continent and recognize the continued contribution of their survivors. We also acknowledge all immigrant labor, including voluntary, involuntary, trafficked, forced, and undocumented peoples who contributed to the building of the country and continue to serve within our labor force. We acknowledge all unpaid care-giving labor. To the people who contributed this immeasurable work and their descendants, we acknowledge their indelible mark on the space in which we gather today. It is our collective responsibility to critically examine these histories, to repair harm, and to honor, protect, and sustain their contribution to our society
3. Holidays, Events, and Monthly Observances:
Cesar Chavez Day will be observed on Monday, March 31, 2025 - a day to honor the life of Cesar Chavez, a Mexican American labor leader, activist, and farm worker.
March is Women's History Month
4. Approval of Minutes from the 2.6.2025 Meeting

II. City Manager Update (15 min)

1. Committee Handbook

III. Public Forum

IV. Liaison Business (20 minutes)

1. Report from liaison assignments
2. Report from HHSAC's Community Resource Fair
3. CoCoConvo report

V. Ideas for tabling / networking

1. DOJ flyer for tabling / networking

VI. Issues to consider

1. Items pushed from previous meetings:
 1. T-Shirt vandalism of memorial in Railroad Park;



Social Equity and Racial Justice Advisory Committee Meeting Agenda

2. D*** Indian Memorail Road;
3. City-wide DEIA Climate Survey
4. Consideration of Retail Council of New York State's Customers' Bill of Rights

VII. ADJOURNMENT

If you need special assistance to participate in this meeting, please contact Kerrick Gooden at citymanageroffice@ashlandoregon.gov or 541.488.6002 (TTY phone number 1.800.735.2900). Notification at least three business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting in compliance with the Americans with Disabilities Act.

**ASHLAND SOCIAL EQUITY AND RACIAL JUSTICE ADVISORY COMMITTEE
REGULAR MEETING
MINUTES
February 6, 2025**

Note: These are DRAFT minutes until approved by the committee

I. Call to order and Welcome (5 minutes)

Mendel called the meeting to order at 4:33pm.

Members present via Zoom: Mendel, Houston, Sage, Greenspan, Tyler, Singh, Simon

Council liaisons present via Zoom: Dahle, DuQuenne

Staff liaison present in person: Gooden

1. Land Acknowledgment - We acknowledge and honor the aboriginal people on whose ancestral homelands we work - the Iikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We denounce the egregious acts of the colonizers and government and recognize the horrific impacts that still exist today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

Sage read the Land Acknowledgment

2. Labor Acknowledgement
We also pause to recognize and acknowledge the labor upon which our country, state, and institutions are built. We remember that our country is built on the labor of enslaved people who were kidnapped and brought to the U.S. from the African continent and recognize the continued contribution of their survivors. We also acknowledge all immigrant labor, including voluntary, involuntary, trafficked, forced, and undocumented peoples who contributed to the building of the country and continue to serve within our labor force. We acknowledge all unpaid care-giving labor. To the people who contributed this immeasurable work and their descendants, we acknowledge their indelible mark on the space in which we gather today. It is our collective responsibility to critically examine these histories, to repair harm, and to honor, protect, and sustain their contribution to our society.

Houston read the Labor Acknowledgment

3. Holidays and Events
Monthly Observances: February is Black History Month.
4. Approval of Minutes from the 1.2.2025 Meeting

Tyler / Houston m/s to approve Minutes from 1.2.2025. Mendel, Houston, Sage, Greenspan, Tyler, Singh, Simon: YES.

Motion Passed.

II. Public Forum

III. Liaison Business (20 minutes)

Houston announced her resignation from the committee due to personal circumstances.

The committee discussed membership and the role of co-chair that Houston is vacating.

1. Review assignments

Members gave updates on their respective committee assignments:

Greenspan: asked for introduction to the Planning Commission and will attend - Gooden will help her connect with staff liaison.

Tyler: Climate and Energy Policy Advisory Committee discussed electric vehicle charging, carbon pollution impact fee, and Transportation System Plan (TSP)

Sage: Transportation Committee meeting. Will trade with Singh and move to Historic Preservation

Simon: Public Arts - held discussion regarding Railroad Park vandalism with a Strategic Planning session planned

Houston: has been assigned to Historic Preservation - someone will need to take over
Singh: expressed interest in Transportation - Sage will trade and move to Historic
Preservation - Gooden will help her connect with staff liaison.

Mendel: Housing and Human Services discussed winter weather shelter, Beach Creek
subdivision, Sunstone Housing affordable housing project - HHSAC will be having it's
community resource fair at the Library on February 26, from 5-7pm (flyer in agenda
packet)

Discussion of the monthly meeting of committee chairs (known as CoCoConvo)

2. Reports from committees:
HHSAC will host its Community Resource Fair on February 26, 2025 from 5-7p.m. at the Ashland Library

The committee discussed attending HHSAC's resource fair. Sage will be attending on
behalf of the National Alliance on Mental Illness (NAMI) and is happy to represent
SERJAC also. Discussion regarding tabling materials for the committee. Council
Liaisons discussed this as a recruitment opportunity for the Committee without
prepared materials.

3. Update about DEIA Committees in other communities

Simon and Gooden gave an update, having attended Medford's Commission on
Access Diversity Equity and Inclusion (CADEI) meeting on January 21, 2024 to
maintain regional collaboration and partnership. An invitation has been extended for
CADEI to attend SERJAC meetings and committee discussed. Sage spoke of a
regional Latin X/O/A Interagency Committee that meets once a month -with
approximately 40-60 organizations that participate. Sage will attend and report back.

IV. Tabling events discussion (10 minutes)

1. Consider committee suggestions for tabling and community outreach possibilities.

Committee discussed printing prepared flyers available from the Oregon Department of
Justice about the Reporting Bias Crime Hotline. Gooden updated the committee that
there is no budget for preparing recruitment materials, but items prepared by the
committee that clear legal and city manager review to ensure alignment with the
Committee's charge from the Council as an advisory committee may be printed by staff
liaison. Mendel will work with Gooden for printing of the Reporting Bias Crime Hotline
flyer for availability at tabling events.

V. Issues to consider (45 minutes)

1. For discussion:
[https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-
promise/community-toolkit/](https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/community-toolkit/)

Committee discussed an Ashland Sunrise Project forum planned regarding this topic at
6pm Feb 24, 2025 at Unitarian Church - SERJAC was invited to be a co-sponsor with
immigration attorneys and other community resources present.

**Simon/Tyler (motion / second) for DuQuenne to ask the City Manager if SERJAC
can co-sponsor this event.** Yes: Mendel, Houston, Sage, Greenspan, Tyler, Singh,
Simon. Motion passed.

2. T-shirt vandalism of memorial in Railroad Park
3. D*** Indian Memorial Road

Sage spoke on the topic. Simon suggested Sage draft a proclamation for the Committee to answer.

Tyler/Greenspan m/s to pursue the draft of a proclamation of renaming dead Indian memorial road in concert with the wishes of the Native community. All in favor . passed unanimous

4. City-wide DEIA Climate Survey - update from subcommittee

Subcommittee has not yet met. Houston can continue to engage as a community resource in support and Greenspan will join this Subcommittee

5. Consideration of Retail Council of New York State's Customers' Bill of Rights

VI. Assign Action Items and Adjournment (5 minutes)

Discussion about March agenda with City Manager planning to present the new Committee Handbook and related policies and be available to address other issues brought up in DEI assessment.

Meeting adjourned at 6:10pm



Commission & Committee Handbook

This handbook is subject to change as policies are amended or modified. The City does not give legal advice. This handbook is not intended to be legal advice. Version 1 (1/23/2025)



Welcome

Thank you for volunteering to serve the City of Ashland. Advisory Commissions and Committees play a critical role in providing recommendations and advice to City Council and City Management on various matters of public interest and administrative functions. The City hopes you find this handbook helpful in understanding your role on the Commission or Committee as well as the role of the staff liaison. You will also find information on conflicts of interest, laws that apply to public bodies and parliamentary procedures. The time you spend on a commission or committee is appreciated and the expertise you bring to the Commission or Committee is valued. We are ***Better Together***.

RESPONSIBILITIES AND ROLES

RESPONSIBILITIES OF COMMISSIONS AND COMMITTEES

All Commissions and Committees should regularly solicit public testimony under guidelines established by the City Council and Ashland Municipal Code. Public forums should be held for issues with major public impact. Though this Handbook refers to Commission and Committees, the outlined policies and procedures apply to:

- ✓ **Commissions and Committees-** advisory bodies outlined in ORS and/or AMC to provide recommendations to Council or APRC.
- ✓ **Ah Hoc Committees-** temporary advisory group focused on a specific topic with the express goal of providing a recommendation for action to Council and/ or Ashland Parks and Recreation Commission (APRC).
- ✓ **Management Advisory Committees (MAC)-** Committees developed by the City Manager or City Staff on a specific topic to provide subject matter expertise. MACs may be temporary or on-going.
- ✓ **Subcommittees-** temporary group to a specified committee on a particular area or topic. Limited to three-members, a subcommittee only has the authority to gather information for the full committee. It may determine when to meet and what procedures it will use to gather and report information but may make no decisions. Subcommittees must

make notes of their meetings available to staff liaisons to include in agenda packets for the full committee when the full committee is considering a report or recommendation coming from the subcommittee.

ROLE OF THE CHAIR

The Chair is the main facilitator (i.e. Presiding Officer) who runs the meetings, maintains order, and keeps the group on topic. Their duties include:

- ✓ Open the meeting on time and call the meeting to order
- ✓ Announce in proper sequence the business on the agenda
- ✓ Recognize members who are entitled to the floor and ensure all voices are heard
- ✓ State and put to a vote all legitimate questions that arise during the meeting. If a motion is out of order, the Chair should rule it out of order
- ✓ Protect the members from frivolous or delaying motions by refusing to recognize them
- ✓ Enforce the rules regarding debate and keep order
- ✓ Expedite business in a way compatible with the rights of the members
- ✓ Decide all questions of order
- ✓ Respond to inquiries of members
- ✓ Declare the meeting adjourned

ROLE OF THE BOARDS AND COMMISSION MEMBERS

- ✓ Members of the committee, commission, or board (including the Chair) engage in discussion, propose motions, and vote on decisions. Members should make every effort to attend every meeting and be on time.
- ✓ Members will notify staff five (5) in advance of a meeting for known absences.
- ✓ It is recommended that Commission members keep a separate email for committee work due to public records request and retention purposes.
- ✓ Effective members understand the rules of procedure as well as parliamentary procedure and abide by them.
- ✓ Members should address all remarks through the Chair.
- ✓ Members should use their parliamentary knowledge in a constructive manner, rather than hindering or obstructing the business of the meeting
- ✓ Members should be knowledgeable and familiar with the issues before them so they can participate in the meeting by:

1. Introducing motions;
2. Seconding another member's motion;
3. Debating the issue according to the rules or asking questions of information regarding issues; and
4. Voting
 - a. A member may vote but cannot be forced to do so. A member should not vote on questions of direct personal or pecuniary interest not common to other members.
 - b. A member may change a vote before the chair announces the result of the vote. After the result is announced, a majority of the Board or Commission must vote to allow the change.
 - c. A member may request a rising vote by calling "Division" when a voice vote or show of hands is in doubt.

All Commission and Committee members are responsible for ensuring they conduct themselves in a manner that leaves no question as to when they are representing themselves as a City Commission member and when they are representing themselves as a private citizen. It is the responsibility of the Commission or Committee member to be familiar with the City's social media policy. All Commission and Committee members are responsible for adhering to the guidelines outlined in this handbook, the City's Electronic Media and Technology Usage Policy (if applicable), Workplace Fairness Act Policy, Workplace Violence Prevention Policy and the City's Social Media Policy. Any violation of these guidelines and policies may result in immediate removal from the Commission or Committee.

COMMITTEE MEMBER VS COMMUNITY MEMBER

When you are serving on an advisory body, it is important to realize that you have a committee member hat and a community member hat. Both hats are on when you are actively engaged in committee work. When you are not at a committee meeting, however, it is important to delineate which hat you are wearing.

- When you are speaking at a public meeting, make it clear if you are speaking as a community member or as a representative of your committee. Being a “representative of your committee” means that the committee has given you permission to show-up and speak on behalf of the group as a whole. If you haven’t received permission, speak only as a community member.
- When your committee has made a decision (i.e. voted on a motion), it is your responsibility to support that decision, even if you disagree with it. You can speak against it privately as a community member but, when representing the committee, you need to positively represent the decisions of the body as a whole.

RECOMMENDATION PROCESS

Defining Annual Focus Areas

The unique mission of advisory committees is typically defined by the group’s enacting ordinance and/or by the City Council when they form an ad hoc group. Typically, this mission is a general scope, and the advisory body determines what specific topics they want to work on within that scope. There are two pathways that an advisory body defines its focus:

- A. **Council Request.** City Council may make a specific request of an advisory body to weigh in on a specific topic.
- B. **Annual Work Plan.** Advisory bodies create an annual work plan that is reviewed and approved by City Council every December. The work plan outlines the focus areas for the year and may include specific projects (such as painting utility boxes) and policy areas (such as reducing the use of natural gas in homes). The process of drafting, reviewing, and approving an annual work plan ensures that the advisory body is working on specific topics that City Council would like to see move forward.

C. Bringing Recommendations to Council

When an advisory body is ready to make a recommendation to City Council, the group should make a motion to “recommend [*adoption, implementation, etc.*] to Council.” This signals that you feel the recommendation is ready for Council to review and take action. Once this motion is made, it is the responsibility of the

Council Liaison to request that it is put on a future City Council agenda. When they make that request, the City Manager will figure out what type of meeting is best for the recommendation (study session or general meeting) and will schedule it. The advisory body will be asked to attend the meeting to present their recommendation and why they are recommending it.

Actions that Council Can Take

Once City Council receives a recommendation, they can take any of the following actions:

1. Adopt the policy or action right then-and-there or give staff the direction to prepare the item appropriately for adoption.
2. Direct staff to take additional actions (like refining it, making changes, putting it in ordinance form, etc.) and then bring it back for consideration;
3. Send the recommendation back to the advisory body to do further work or refinement;
4. Decline to move forward.

Once a recommendation goes to City Council and City Council takes an action on that recommendation – **it is no longer in the hands of the advisory body** (unless it has been referred back to you!).

INFORMATION REQUESTS

You're going to need information to help with your discussions as an advisory body. Your staff liaison and council liaison will be able to share a significant amount of institutional knowledge, but questions may come up that they don't know the answer to. Below is the best process for making information requests, when your staff or council liaison do not have the answer:

- **If you want information as an individual, you can submit a [public records request](#).** This helps staff (a) get the request to the right person and manage staff time, and (b) ensures that your request is fulfilled within a reasonable time frame, typically two weeks.
- **If the advisory body wants information that is beyond the scope/knowledge of your liaisons, the advisory body can make a formal request via motion.** The staff liaison will then track down the info and share at the next committee meeting. This helps ensure that we are using

staff time to gather information that is pertinent to the advisory body as a whole.

COMMUNICATION

COMMUNICATIONS TO COUNCIL

The Council relies on various Commissions and Committees to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, Commission and Committee members can expand their level of expertise and can conduct detailed analyses that Council itself may not have the time to pursue.

It is expected that Commission and Committees will adopt positions of advocacy within their specific spheres of interest. However, the Council's role is to take into consideration the many varied, and sometimes conflicting public needs, and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation alongside other City goals, programs, and competing interests.

GENERAL COMMUNICATION GUIDELINES

- ✓ No serial meetings. Serial meetings are defined as a majority of members of a public body having a series of smaller gatherings or communications that result in a majority of the body collectively taking action even if a majority is never part of any one communication. (email guidelines provided by staff liaison)
 - All emails to Commission and Committee members from the staff liaison will be by blind copy to ensure no reply all (equals serial meeting).
 - It is encouraged that all Commission and committee members retain a separate email for Commission and Committee work as that work is subject to public records requests.
- ✓ Treat everyone with respect.
- ✓ Agree to Disagree.
- ✓ Resolve issues and move on, don't re-live the same issues.
- ✓ Share information freely.
- ✓ Keep a balance of "air time" in meetings to avoid domination of ideas.

- ✓ Deal directly and respectfully if a conflict occurs.
- ✓ Share responsibility for information or decisions that come from a meeting.
- ✓ Openly support decision, once it has been made.
- ✓ Encourage and support team members at all levels.
- ✓ Query participants frequently: ask for input and feedback on issues.
- ✓ Be flexible and open for change.
- ✓ Be aware of others discomfort/anxiety.
- ✓ Take responsibility for your feelings, biases and attitudes and know how they can impact your ability to treat others with respect or make the right decision.
- ✓ Have a sense of humor; be able to laugh at the funny moments.

STAFF LIAISONS

STAFF LIAISONS TO COMMISSION AND COMMITTEES

Each Commission and Committee has at least one staff person assigned to the group as a Staff liaison. Staff liaisons assure their Commission or Committee is aware of laws and administrative processes affecting proposed policy and operational recommendations. The Staff Liaison is responsible for ensuring the Commission or Committee is not doing anything to create liability issues for the City. If the Staff Liaison feels that there may be an issue, they shall report it to the City Manager.

The staff liaison's main responsibility is assisting their Commission or Committee in its roles and responsibilities as outlined by ordinance and completion of the Council approved annual workplan.

Other responsibilities include the following:

- ✓ Assist with professional and technical questions.
- ✓ Properly notice meetings.
- ✓ Prepare and distribute Board and Commission letters, reports, agendas and/or minutes.
- ✓ Maintain public records created by the Board or Commission, including minutes or action summaries, reports, recommendations and letters, as required by State law.

- ✓ Notify Board or Commission members of upcoming meetings.
- ✓ Maintain current contact information for the Board or Commission members.
- ✓ Provide the communication framework that fosters collaboration while still acting within the confines of public meeting law.

RELATIONSHIP BETWEEN STAFF AND COMMISSION OR COMMITTEE

If a Commission or Committee desires information or a report that will require more than two hours of staff liaison time, the chairperson will make a request of the City Manager or Department Director approval prior to pursuing the project. The chairperson should inform the staff person with regard to the urgency of the referral. Following this procedure will prevent staff from being diverted from priority projects.

STAFF LIAISON TIME COMMITMENT

The assigned staff liaison is the sole point of contact for the assigned Commission or Committee. Commission or Committee members may not reach out to other staff members. The staff liaison on average will dedicate no more than four hours a week to work on regular Commission or Committee directed needs. Commission and Committees may not initiate grants or dictate City funds be expended. A Commission or Committee may bring forth a recommendation for grant pursual or fund expenditure through the staff liaison to the City Manager for consideration.

The meeting of the Commission or Committee is at the discretion of staff and can be moved as operationally necessary. Staff liaisons will make it a priority to schedule Commission or Committee meetings at regular intervals at the same time and location.

ETHICS AND CONFLICTS OF INTEREST

GOVERNMENT ETHICS

By being a member of a commission or committee, you are a public official per Oregon Law. Public office is a public trust. This concept is enforced through state law in provisions that prohibit public officials from using their positions to enrich themselves, their families or businesses with which they or their close relatives

are associated. An overview of the provision of the government ethics laws will be covered in this section.

For more information, please refer to the Government Standards & Practices Manual or contact the Oregon Government Ethics Commission (www.oregon.gov/ogec).

ACTUAL AND POTENTIAL CONFLICTS OF INTEREST

Public officials may face situations in which their actions may, or will, result in pecuniary benefit for themselves, their relatives, or businesses with which they or their relatives are associated. In such cases, the state ethics law describes the proper response. The response depends upon whether the conflict is an **actual** conflict or a **potential** conflict. Keep in mind, however, that under no circumstances may an official use their office for the purpose of benefiting the official, a relative or an associated business.

ACTUAL CONFLICT OF INTEREST

An actual conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action certainly **would** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: A Councilmember owns one of two well-digging companies in the City. The Council is voting upon whether to adopt a proposed ordinance that would impose licensing fees on well-digging companies. His vote will certainly have the effect of a financial detriment or benefit upon his company.

Example: A systems operation official approves an employment agreement with a technical support company that employs her son. The approval would be to the pecuniary benefit of a business with which her relative is associated.

ORS 244.040(6) also states "No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member".

Example: The member of the Planning Commission is prohibited from appearing before that same Planning Commission to represent a client for a fee, but a business partner of the Planning Commission member could represent the same client for a fee.

POTENTIAL CONFLICT OF INTEREST

A potential conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action **could** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: If the public official as an independent contractor performs services for a business that comes before the public body upon which the official sits, a potential conflict exists. The decisions of the public body could result in private pecuniary benefit to the official.

CONFLICT OF INTEREST EXCEPTIONS

Actions affecting an entire class do not create a conflict of interest. In other words, no conflict exists if the public official's action would affect other members of a large class of people in the same way it would affect the public official.

For example, if the City Council was voting to adopt a City-wide tax cut for retail businesses, Councilmembers who owned retail businesses would not have a conflict because of the exception.

However, if the Council was voting to adopt a tax cut for software companies, and a Councilmember owned one of only three software companies in the City, the Councilmember would have an actual conflict of interest for which the "class" exemption would not apply. In this case, three software companies would not be considered a large enough class to gain the exemption.

Other exceptions include the following:

1. Membership in a particular class required by law as a prerequisite to holding office does not give rise to a conflict of interest. For example, a commission which recommends fees for the use of certain chemicals requires that one of its positions be filled by a representative of a company which uses such substances. That person is not faced with conflict when deliberating upon the amount of a fee.
2. No conflict exists when the pecuniary benefit or detriment arises out of unpaid membership in or membership on the board of directors of a nonprofit corporation which is tax-exempt under section 501(c) of the Internal Revenue Code.

METHODS OF HANDLING ACTUAL OR POTENTIAL CONFLICTS OF INTEREST

In every case in which a public official is met with an actual or potential conflict of interest, the official must disclose the conflict. Elected or appointed officials serving on a board or commission must publicly announce the nature of the conflict. The conflict must be recorded in the official minutes of the public body.

A public official need only announce a conflict of interest once during the course of the particular meeting, even though discussion or action may be interrupted. When faced with an actual conflict of interest, a public official must, after disclosing the conflict, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

The public official should make certain that the minutes reflect that the public official did not participate in the discussion or vote.

Rule of Necessity: If the official's vote is necessary to meet a requirement of minimum number of votes to take official action, then the official is eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

CAVEAT: If voting under the "rule of necessity" would violate the code of ethics (for example, where a vote would constitute "using" the office to obtain financial gain or avoid financial detriment), then the public official may not vote.

When faced with a potential conflict of interest, a public official must announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Following the declaration of the conflict, the official may discuss and vote on the matter.

CAVEAT: A public official may not take official action after declaring a potential conflict of interest if such action would violate any provision of the code of ethics.

MEETING AND RECORDS LAW

OREGON PUBLIC MEETINGS LAW

The Public Meetings Law, ORS 192.610–192.690, was enacted by the Oregon Legislature in 1973 and establishes state policy the public is entitled to know how

public organizations operate. Almost all deliberations and decisions of public bodies are open to attendance by interested persons.

The Public Meetings Law apply not only to the state, but also the cities and counties despite any conflicts with their charters, ordinances or other rules. The Public Meetings Law applies to meetings of the “governing body of a public body.” A “public body” is the state or local government council, board, commission, bureau, committee, subcommittee or advisory group.

PUBLIC MEETING

Public Meetings Law defines a meeting as the convening of any governing body “for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter”.

QUORUM REQUIREMENTS

A quorum is reached by the presence of 51% of the number of members of the governing body. A gathering of less than a quorum is not a meeting under the meetings law. The law applies to committees, subcommittees and other advisory groups that are charged by the Council with making recommendations. The recommendations must be the result of formal votes taken at meetings at which a quorum was present.

Before calling the meeting to order, it is the duty of the Chair to know whether a quorum is present. If there is not a quorum, the meeting is called to order, the absence of a quorum is announced, and the meeting either may be adjourned, or may continue only for the purpose of discussing study session items.

Members who are present may use the time for discussion, but no action may be taken. In the absence of a quorum, adjourning and rescheduling the meeting is generally best practice, but there may be situations where proceeding forward just on the study session items may be appropriate. Please confer with the staff liaison for guidance before moving forward without a quorum.

A VOTE FOR A DECISION MAY NOT BE TAKEN IN THE ABSENCE OF A QUORUM.

A recess may be called to provide time to call absent members in hope of obtaining a quorum for an important meeting. A motion may be made to fix the time to which to adjourn, which provides for a continuation of business scheduled for the meeting. The requirement of a quorum serves to protect against an unrepresented action taken by a small number of individuals on

behalf of the entire meeting body. Any actions taken without a quorum can be declared null and void at the next meeting.

NOTICE OF MEETINGS

All Commission and Committee meetings will be noticed 72 hours in advance. Staff liaisons are responsible for the noticing of meetings.

MEETING MINUTES

Minutes must be kept of all standing and ad-hoc commission and committees. The staff liaison will either assign responsibility to a commission member or committee member to take minutes or be responsible for the taking of the minutes. Minutes shall include members present; motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition, results of all votes and the vote of each member by name, the substance of any discussion on any matter, and a reference to any document discussed at the meeting. The City Recorder shall dictate the style of minutes the City produces.

OREGON PUBLIC RECORDS LAW

Oregon Public Records Law represents the public's right to information. Under these laws, the written record of public business is available to any person, regardless of the person's identity, motive, or need, with some important exceptions. Thus, the basic **assumption** of Public Records Law is that every document is subject to a public record request and will be disclosed. Only records that fall under limited categories will be withheld from public disclosure. The burden to prove the exception applies falls on the public body or public official, not on the person asking for the record. Exceptions to Public Records Law are known as "exemptions." Despite the lengthy catalogue of exemptions contained in Public Records Law, it must always be viewed in favor of disclosure, unless the law expressly prohibits disclosure.

Public Records Law (ORS 192.311 to 192.478) applies to all "public bodies," including governing bodies, officers, departments, commissions, etc. Based on the above definition, all City Councils are subject to the Public Records Law and the Law will by extension apply to all departments, committees and agencies of the City.

RECORDS COVERED BY PUBLIC RECORDS LAW

Public Records Law applies to “...every state officer, agency, department, division, bureau, board and commission; every county and City governing body, school district, special district, municipal corporation, and any board, department, commission, Council or agency thereof, and any other public agency of this state.” A “public record” is **“any writing that contains information relating to the conduct of the public’s business...prepared, owned, used or retained by a public body regardless of physical form or characteristics.”** In ORS 192.311(5)(a), “writing” is broadly defined to incorporate all formats, from handwriting to electronic. Handwritten notes taken during Council meetings and all forms of electronic communications including e-mails, so long as the record contains information relating to the conduct of public business are considered public records.

RECORDS RETENTION REQUIREMENTS

Oregon Public Records Law requires that public records must be retained as set forth in the Secretary of State’s Record Retention Manual. This manual sets the retention periods based on the information contained within the public record, NOT based on the medium of the record. Nearly every record has a retention period, ranging from one year to permanent. The City Recorder is the City’s resource person for questions regarding retention of public records.

DISCLOSURE OBLIGATIONS AND PROCEDURES

Public Records Law requires a designated records officer and a public records disclosure policy. The City Recorder is the City’s public records officer and has an established policy for records requests. The records request form is available online on the City’s website at <https://ashlandoregon.gov/>.

PUBLIC RECORDS EXEMPTIONS

ORS 192.345 and 192.355 outline the exemptions to Public Records Law. Section 192.501 outlines “conditional exemptions”, noting records may be withheld from disclosure “unless the public interest requires disclosure.” The City’s decision to apply a conditional exemption must indicate that the need for confidentiality outweighs the public interest in disclosure. Conditional exemptions include, but are not limited to, records pertaining to litigation, trade secrets, criminal investigations, personnel examinations, private business operations, real estate

appraisals (prior to acquisition or sale), employee relations or personnel discipline actions.

ORS 192.355 lists additional conditional exemptions for records such as internal advisory communications, information of a personal nature and confidential submissions.

The exemptions are stated in absolute terms and do not require a balancing of interest because the state legislature has already determined that the confidentiality interests outweigh public disclosure interests as a matter of law.

PARLIAMENTARY PROCEDURE

Parliamentary Procedure is the basic method of conducting business. Business is brought before an assembly by means of a motion. The Committee shall replicate the motion format outlined in AMC Chapter 2.04.040(c), and the general governance structure outlined by Roberts Rules of Order, Newly Revised.

BASIC PRINCIPLES

1. All members must receive a notice of the meeting no less than 72 hours prior to the meeting through the City's adopted noticing process
2. There must be quorum present at the meeting
 - If you can not attend a meeting the Commission or Committee member will notify the staff liaison five days in advance of the meeting
 - Staff Liaisons will perform a quorum check three days prior to the meeting
 - If there is no quorum the Chair, with the assistance of the Staff Liaison will determine if the meeting will be cancelled or held for discussion purposes (no decision shall be made without a quorum)
3. There can be only one main motion or resolution before the assembly at a time
4. Motions have a definite and logical order of precedence
5. Every member has the right to express his/her opinion fully and freely without interruption, and must be given the opportunity to do so
6. A question must be decided by taking a vote, decided by the majority, and that vote becomes the decision of the assembly; a subject, once decided, may not be presented again in the same form
7. Action cannot be taken outside the scope of the organization's object or purpose

QUORUM

Before calling the meeting to order, it is the duty of the Chair to know whether a quorum is present. See the Oregon Public Meetings Law Section of this handbook for additional information regarding quorum.

MOTIONS

A motion is the means by which business is brought before an assembly. A motion is sometimes referred to as "the question". The following steps are essential in handling a motion.

TO OBTAIN THE FLOOR

1. Address the Chair by proper title
2. Receive recognition from the Chair
3. State the motion by saying "I move that..."
4. Another member seconds the motion
5. Chair repeats the motion and then says
"It has been moved and seconded that (motion)...Is there any discussion?"
6. Members discuss the motion
7. When discussion ceases, Chair requests the roll call
8. Chair announces the result of the vote

A motion is a formal proposal and once made and seconded, the Chair places the question before the meeting body by restating the motion. Exact wording is of the utmost importance in recording motions and amendments. Motions require a second before being opened for discussion or being put to a vote. If there was no second to the motion, the motion dies.

TYPES OF MOTIONS

Main Motion: A main motion is a motion brought before the body for its consideration on a particular subject. Only one main motion can be considered at a time.

Amendment: There are three basic processes of an amendment:

- (1) Insert a word or add words
- (2) Strike out words or a paragraph
- (3) Combine both of these.

An amendment needs a second and is debatable. It needs a majority vote to pass. To amend a pending motion is the most widely used form of a subsidiary motion. An amendment must be germane or closely related to the subject of the main motion.

Second Amendment: A secondary amendment must relate to the primary amendment and cannot introduce a totally different subject. The second amendment must be made by motion and seconded. After discussion, Chair takes the vote on the second amendment first; announces the vote; and proceeds to take the vote on the primary amendment; and then takes the vote on the main motion as amended if the amendments pass.

Previous Question: Previous question is the motion used to bring the body to an immediate vote on one or more pending questions. It closes debate and stops further amendment. It is out of order when another has the floor. It must be seconded and is not debatable and non-amendable. Previous question requires a two-thirds vote (super majority). If a motion for the previous question fails to gain the two-thirds vote, debate continues as if the motion had not been made.

Division of the Assembly: When a member doubts the correctness of a vote taken by voice, he or she may call for division of the assembly by calling out "Division". No second is needed, and the Chair must immediately take the vote again and ask the member to either raise their hands or to rise.

Reconsider: A motion to reconsider is in order during the meeting after a motion has been acted upon, either at the same meeting or the next meeting. It must be made by a member who voted on the prevailing side, i.e. if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

Point of Order: When a member believes the parliamentary rules are being violated, he or she can make a "point of order" by calling upon the Chair to request the parliamentarian for the rule which the Chair should enforce.

Division of the Question: If a question contains more than one part, each of which could stand as a separate question, a motion may be made to divide the

question and vote on each part separately. The motion to divide requires a second and may be amended but is not debatable.

Lay on the Table: The motion to “lay on the table” enables the Board or Commission to lay the pending question aside temporarily in such a way that (1) there is no set time for taking the matter up again; and (2) its consideration can be resumed at the will of the majority. By adopting the motion to “lay on the table”, a majority has the power to halt consideration of the question immediately without debate.

This motion takes precedence over all subsidiary motions. It is out of order when another has the floor. It must be seconded and is non-debatable and non-amendable, but it is appropriate for the maker of the motion to explain the reasons for the motion. It requires a majority vote.

Take from the Table: When a matter is taken from the table, everything is in the same condition as it was when laid on the table. A motion that has been taken from the table can be laid on the table again when an unforeseen matter requires immediate attention. If a matter is laid on the table, it remains there until taken from the table or until the close of the next regular meeting. If not taken up by that time, the motion dies.

To consider another motion on the same subject, it is necessary first to take the question from the table and then move the new proposal as a substitute or to make whatever other motion is appropriate to the cases.

Adjourn: This means to close the meeting immediately. It requires a second and it is non-debatable and non-amendable. It requires a majority vote. Members should not leave their seats until this motion is made. If an hour has been set by adoption of the Board or Commission, no motion to adjourn is necessary when the hour arrives. The Chair declares the meeting adjourned. When it appears there is no further business, the Chair can ask if there is any further business to be considered, instead of waiting for a motion. If there is no response, the Chair can say, “Since there is no further business, the meeting is adjourned.”

Fix the Time to Which to Adjourn: The object of this motion is to set the time and place for another meeting to continue business of the session with no effect on when the present meeting will adjourn. It is appropriate to use this motion when

there are no existing provisions for another meeting. It must be seconded and is debatable. It can be amended and a vote on it can be reconsidered.

AMENDING A MOTION

Changing the wording of a motion is amending it. Sometimes, starting over can eliminate the need to amend a motion. However, if the matter becomes more complex or significant time has been spent considering alternatives, following the rules for amending a motion ensure a fair and orderly process for making and deciding on a comprehensive motion. The main motion and some secondary motions can be amended. Here are some rules to remember:

- ✓ The motion to amend requires recognition and a second and must be stated by the Chair. It is debatable and may be amended. The amendment must be voted on; then another amendment is in order, each acted on in order. The fact that the amendment has been acted on does not mean that the main motion is also acted on. After all amendments are acted on, the final vote is on the main motion as amended.
- ✓ If the amendment has failed to carry, it cannot be made again.
- ✓ An amendment improves the main motion. The purpose is to express more clearly and definitely the intent of the motion; therefore an amendment cannot change one form into another.
- ✓ An amendment is debatable in all cases except where the motion to be amended is un-debatable.
- ✓ An amendment is out of order if it nullifies the proposition or if it makes it dilatory.
- ✓ An amendment is out of order if it strikes out words NOT consecutive or if it strikes out and inserts in separate places.
- ✓ No amendment is in order that increases the modification of the rule to be amended.
- ✓ The word "Substitute" is used correctly when referring to a paragraph not to a word. A completely reworded motion is a substitute.

WAYS TO AMEND A MOTION

- ✓ By adding words at the end
- ✓ By inserting a word or consecutive words
- ✓ By striking out a word or consecutive words

- ✓ By striking out a word or consecutive words and inserting a word or consecutive words
- ✓ By substitution (replacing the motion with a similar motion)

Correct way to state amendment:

"I move to amend the motion by (one of the ways listed above)..."

MOTIONS NOT SPECIFICALLY CLASSIFIED

There are some motions that are not specifically classified. The ones most commonly used are:

- ✓ *To make a nomination:* This is a motion not formally moved, but an assumed motion "That...be elected." A member rises and, without recognition, says, "I nominate..." No second is required but as an assumed motion, it is debatable.
- ✓ *To fill a blank:* This is closely related to the motion to amend. While there can be only one primary and one secondary amendment pending at the same time, there are times when a number of choices would have more advantages, such as, selecting a date, time, place, amount, number of persons, or names, or places.
- ✓ A member may move that a blank be spent for books: or a blank may be created by a motion to strike out a date, time, place, amount, number, names, etc. and insert a blank. If the motion to strike out and insert a blank has carried, then any number of members may suggest, without a second, a different date, time, amount, etc. Each suggestion can be debated if necessary. When all suggestions have been made, a vote is taken on the suggestions until one suggestion receives a majority vote, then that suggestion is placed in the blank and the remaining suggestions are not voted upon. The motion with the blank filled is then considered.
- ✓ 3. *Call up the motion to reconsider:* If the Chair neglects to announce the reconsideration of a motion, any member may 'call up' the consideration by rising and obtaining the floor and saying, "I call up the motion to reconsider the vote taken on the motion (state the motion)..." No second is necessary. The Chair then proceeds to state the motion by saying, "The motion to reconsider the vote on (state the motion)...is called up. Those in favor of reconsidering the vote on the motion will please say Aye." pause "Those opposed will please say no." If the Ayes have it, the motion is open



to debate (if it is a debatable motion). After debate, a vote is taken on the motion that was reconsidered.

Commission or Committee	Guiding Documents
City Council	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code

Ashland Parks & Recreation Commission	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Ashland Senior Advisory Committee (ASAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Recreation Division Advisory Committee (RDAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Trails Advisory Committee (TAC)	Charter, Ashland Municipal Code, Comprehensive Plan, Land Use Code
Planning Commission	Ashland Municipal Code, Comprehensive Plan, Land Use Code
Climate & Environment Policy Advisory Committee (CEPAC)	Ashland Municipal Code, Climate & Energy Action Plan (CEAP)
Historic Preservation Advisory Committee (HPAC)	Ashland Municipal Code,
Housing & Human Services Advisory Committee (HHSAC)	Ashland Municipal Code
Public Arts Advisory Committee (PACC)	Ashland Municipal Code
Social Equity and Racial Justice Advisory Committee (SERJAC)	Ashland Municipal Code
Transportation Advisory Committee (TAC)	Ashland Municipal Code, Transportation Plan
Building Appeals Board	Ashland Municipal Code, Land Use Code, https://ashland.municipal.codes/AMC/15.04.200
Demolition Review Board	Ashland Municipal Code, Land Use Code, https://ashland.municipal.codes/AMC/15.04.200

Commission/Committee Acknowledgement of Receipt - Policies and Forms –

Please review the attached policies.

If you have any questions about any of the policies enclosed, please contact the Human Resources Department at human.resources@ashlandoregon.gov.

By signing this form, I _____ verify that I have received and reviewed the policies listed below. I have been given the information about who to contact should I have any questions or concerns.

Policies:

- Handbook
- Electronic Media and Technology Usage Policy
- Workplace Fairness Act Policy
- Workplace Violence Prevention Policy
- Social Media Policy

Signature: _____

Printed Name: _____

Date: _____

HUMAN RESOURCES DEPARTMENT

20 East Main Street

Ashland, Oregon 97520

human.resources@ashland.or.us

Tel: 541.488.2110

Fax: 541.552.2089

TTY: 800.735.2900

ADMINISTRATIVE POLICY

LAST MODIFICATION: May 14,2012

Policy No. 2006.10.19

ORIGINATING DEPARTMENT: Administration

SUBJECT: Electronic Media & Technology Usage Policy

PURPOSE: The purpose of this policy is to establish policy guidelines to protect the City of Ashland's electronic processing and communication systems; to establish an understanding of acceptable uses; to protect information generated by or stored on any computer or communication system; and to protect the City's investment in technology.

STATEMENT OF POLICY: Technology is a business tool to be used in accordance with generally accepted business practices, current laws, and consistent with other applicable City Policies. All technology systems (computers and communication systems) furnished by the City are owned by the City of Ashland.

Any user who is unclear about what is or is not permissible may contact the Information Technology Director for clarification. If unsatisfied with an interpretation, the user may seek an opinion from the City Attorney, City Administrator or Human Resource Director.

As technology advances, the City will increasingly rely upon electronic resources in conducting its business. Employees have access to multiple forms of electronic media and technology systems (computers, e-mail, telephones, radios, voice mail, fax machines, on-line services and the internet) to assist in the performance of their official duties.

The City encourages the responsible use of electronic media because information technology makes communication more efficient and effective. Information technology also serves as a source of valuable information about government, vendors, customers, new products or services. With the rapidly changing nature of electronic media, this policy cannot establish rules to cover every possible situation. Instead, it expresses the City's philosophy and sets forth general principles to be applied to the use of electronic media and services.

SCOPE: This policy applies to all users of Electronic media and/or communication systems including but not limited to employees, elected officials, appointed officials, contractors, consultants, and other non-employees that use this equipment. The City's Electronic media system includes all city owned or city purchased computer terminals (whether network or individual), software and hardware (CPU's, memory devices and storage devices), copiers, printers, fax machines, hand-held data or computing devices, cellular phones and devices, office telephones, etc. For purposes of this policy an electronic record or communication includes any data or information in any form processed or stored within the City Electronic Information Processing System whether generated directly or indirectly.

Further simplified, this policy applies to all electronic media and services which are:

- Accessed on or from City premises
- Accessed using City electronic media equipment, or via City-paid access methods and/or
- Used in a manner which identifies the individual with the City.

This policy DOES NOT apply to data transmissions made by customers of the Ashland Fiber Network who are acting in their private capacity and who, other than the use of City equipment installed solely because they are a customer of Ashland Fiber Network, are not otherwise using City owned or City purchased equipment.

GUIDELINES:

1. Use of the City's computer and communication systems shall be for the purpose of delivering City services and shall be professional and business-like in nature. **Limited personal use is allowed provided that it meets the guidelines set forth herein.** Employees must demonstrate personal responsibility to ensure that limited personal use does not impact their job performance or the efficiency of City services. Abuse of this privilege will result in appropriate disciplinary action. Computer and communication systems may not be used for any purpose or reason that may violate City policy, local, state, or federal laws, public policy, or other inappropriate purposes, including but not limited to:
 - a. Any use that violates the City's Anti-Harassment and Discrimination policies, including but not limited to transmitting, retrieving, viewing or storing communications or images that are discriminatory or harassing in nature, or which are derogatory to any individual or group, or which are obscene or pornographic in nature, or which are defamatory or threatening, or "chain letters" which use coercion to obtain a response.
 - b. Conducting non-City related business which results in personal financial gain or advantage.
 - c. Unauthorized soliciting or proselytizing others for commercial ventures, religious or political causes or other non-City business related matters.
 - d. Disrupting or threatening to disrupt the efficient operation of City network and/or connected systems (for example, sabotage or introducing a computer virus);
 - e. Overloading the efficient operation of City network and/or connected systems (for example, instant messenger, Internet radio, etc.);
 - f. Unauthorized use, monitoring, or accessing of any computer or communication system's files or activities for the purpose of idle curiosity or obtaining data or information that has no business-related purpose; and
 - g. Forging of any City computer or communication systems file, log, messages, or recording.



- h. The email system shall not be used to plan for or coordinate work slowdowns or strikes, or to incite employees or otherwise disrupt the work environment.
 - i. The email system shall not be used for campaigning for union issues or running for office.
 - j. No use of the computer or email system shall interfere with the City's business or impair employee's performance.
2. Unauthorized installation, removal, or altering of any software/hardware may be a violation of copyright law, City policy or procedure and as such is prohibited. Such actions could result in criminal prosecution and/or disciplinary action in accordance with City rules and regulations.
3. No City-owned or authorized hardware or software may be borrowed, copied, or transferred without prior approval from the IT Director.
4. No privately owned devices may be connected to the City's system without the authorization of the person's department head or the City Administrator.

GENERAL USE OF E-MAIL SYSTEM:

1. Whenever a City Official or Employee possesses "confidential" information, the Official or Employee has an obligation to take all reasonable and necessary steps to protect the confidentiality of the information, and minimize the likelihood of inadvertent transmission of the confidential information to unintended recipients. If an Official or Employee has any question regarding the implementation of this section, contact the City Attorney's office. Once it has been determined that the transmission is confidential under Oregon public records law, the subject line should contain the word "confidential."

The body of the email should read:

"The content of this email transmission (and attachments if appropriate) is confidential under the provisions of Oregon Public Records law (list the specific ORS citation that addresses confidentiality whenever possible). It is intended to help the recipient(s) in their work on behalf of the City of Ashland. Recipients should not disclose or forward this email unless authorized by the sender. If you have questions about the confidentiality of this message, please contact me at (541) XXX-XXXX. Thank you." The message will include the appropriate City or Departmental phone number.

2. No employee shall attempt to disguise the origin of any E-Mail, unless authorized by the Chief of Police for a criminal investigation.
3. No Official or Employee shall access another Official or Employee's E-Mail unless authorized by: (1) the other Official or Employee, or (2) the other Employee's Department Head, or (3) the City Administrator.
4. State and federal law prohibit the electronic transmission of social security numbers over the internet unless the connection is secure or the Social Security number is encrypted except under certain limited exemptions. Social Security numbers should not be transmitted unless the user has verified with the City Attorney's Office that such use is permissible.



5. Any Employee who discovers potential criminal activity involving the use of any E-Mail shall immediately report the activity to the Employee's supervisor. The supervisor shall immediately report the activity to their department head, who shall report the activity to the Human Resources Department or City Attorney.
6. E-mail messages sent from the City's e-mail system are a representation of both the City and the composer. As such, they will be composed in a professional manner and will not include personalization such as non-approved graphics, "emoticons", clip-art, etc.

All e-mails will include the following message at the end of the e-mail:

"This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541) XXX-XXXX. Thank you." The message will include the appropriate City or Departmental phone number.

PERSONAL, PRIVILEGED AND CONFIDENTIAL INFORMATION:

All employees at one time or another may receive, or have reason to access personal, privileged and/or confidential information. That information may concern other employees, City of Ashland operations, other organizations and or patrons with whom we do business. This information may include information such as employee phone number, social security number, salary, benefits, address, etc.

Everyone covered by this policy carries the obligation of ensuring that this information remains confidential and is not disclosed, even to other City of Ashland employees. This is true regardless of whether you are actively employed, on leave or employment with the City of Ashland terminates for any reason. Employees who disclose such sensitive information will be disciplined accordingly.

If your employment with the City of Ashland terminates, for any reason, you must promptly return to the City of Ashland all confidential documents and other materials in your possession. You are not permitted to retain copies of any such documents or materials.

All work performed or created within the scope of your employment with the City of Ashland is the intellectual property of the City. Any information obtained through the course of employment (business information, trade secrets, etc.) may not be shared even upon termination of employment. Employees who disclose such sensitive information will be disciplined in accordance with City Rules and Regulations and/or criminal prosecution.

RESPONSIBILITIES:

1. **The IT Department** (with input from the City Attorney), shall:
 - a. Interpret licensing and copyright requirements for hardware and software used by the City of Ashland;
 - b. Purchase, install, and uninstall all software and hardware;
 - c. Store all original software media.



2. **The IT Director** in collaboration with user departments shall:
 - a. Establish and maintain policies and procedures for computer and communication system security, privacy and use;
 - b. Develop and maintain, in collaboration with departments, an information technology strategic plan that will guide future investments in technology.
 - c. Approve all hardware and software for use on City-owned technology systems;
 - d. Ensure compliance of copyright and licensing requirements;
 - e. Make information available to users regarding computer and communication system security, privacy, and use; and
 - f. Ensure that scheduled backups and purges of all essential data files are completed in accordance with the City of Ashland's Records Retention Schedule.
3. **Department Heads** shall:
 - a. Ensure that all employees under their direct supervision comply with all policies and procedures regarding technology and communication system use;
 - b. When timing is appropriate, initiate account deletion after an employee leaves:
 - c. Immediately notify IT when an employee changes job responsibilities so that their computer software load can be reevaluated and changed if needed.
4. **All City Employees or users** of City electronic media and/or communication systems shall comply with the provisions of this policy, and shall take all reasonable precautions to protect from illegal copying, downloading, theft, or other abuses of City-owned hardware and software. New employees shall be made aware of this policy as a part of their orientation and will be asked to sign an acknowledgement form indicating they have read and understand the information.

SECURITY:

1. Each user with access to the City's computer network, voice mail, or other electronic communication system shall be assigned a user name and password for security purposes. While this cannot guarantee privacy, confidentiality or data security, it is an important component of the City's overall system protection. Technology users are responsible for all computer use under their user name and shall maintain the confidentiality of their password. Passwords must not be shared. Passwords control access to files, register a permanent record of the entries made, and are the means by which users are held accountable for their system entries. If a user suspects his/her password has been compromised, they should call the IT Help Desk for assistance



2. Information Technology staff may require a user to temporarily change their password for installation, diagnostic, repair, replacement, upgrade, or maintenance purposes. Once completed, the user is to immediately change it back to a unique and secure password.
3. Computers will be locked via the operating system, either manually, each time users leave their desks for any period of time, or automatically, using a password protected screen saver. Computers should be shut down at the end of each workday. This helps to protect the security of the system from unauthorized use.
4. Users will ensure that all computer assets (computers, monitors, laptop computers, printers, etc) that are assigned to or regularly used by them are maintained and used in a manner consistent with their function and such that the possibility of damage and/or loss is minimized.
5. Computer equipment will not be removed from City premises without the prior authorization of the IT Director or Department Head except for portable equipments such as laptops or PDAs assigned to the individual employee.
6. Whenever possible all portable computing equipment (laptop computers other handheld computers etc.) will be maintained under the direct supervision of the user that they are issued to. The equipment must never be left unattended in locations such as airports and hotel lobbies. When equipment must be left unsupervised, it must be made as inconspicuous as possible (i.e. do not leave the computer sitting on the seat of an unattended vehicle). Wherever practical, the computer shall be secured with the supplied security device(s).

PRIVACY:

1. **No employee has a personal right to privacy to any information stored or created on the City's computer or telephone system including, but not limited to email.**
2. The City reserves the right, with Department Head approval, to enter, search, monitor, copy, or retrieve any information, including but not limited to, stored or deleted files, records, voice and text messages, faxes, internet logs, and audio from any computer or communication system without notice. Should such action be warranted, Human Resources shall be notified immediately by the Department Head.
3. Information received or transmitted by any computer or communication system, whether deleted or not, may be logged, recorded, or otherwise monitored and is subject to disclosure based on the provisions of Oregon Public Records Law and/or approval of the City Administrator or City Attorney.

RECORDS MANAGEMENT:

1. Routine e-mail messages are not intended to be retained as public records in the ordinary course of City business. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business are exempt from disclosure as public records, provided that the public interest in withholding those records outweighs the public interest in disclosure.



2. In accordance with the City's Records Retention Schedule, e-mail messages that are more than 60 days old will be electronically purged by IT from the e-mail server on a weekly basis, whether deleted by the user or not. E-mail messages that are required to or intended to be retained for long-term storage will either be e-mailed to the user's laserfiche file (example: doej@laserfiche.ashland.or.us) or placed in the appropriate subject file in hard copy. Such e-mail messages will be subject to the City's Record Retention Schedule and may become public records unless exempt from disclosure under other applicable provisions of the Public Records Act (e.g., personnel files, attorney-client communications, deliberative process etc.). Some examples of documents that would constitute public records and be required to be retained include, but are not limited to:
 - a. Complaints received from the public and responses thereto.
 - b. Any email which is evidence of any official action taken as part of assigned job duties—i.e. granting an extension of time to perform some required task, notifying someone of deficiencies in an application or other filing, approving a change order or extra work; giving notice of a meeting or event;
 - c. Comments received from a citizen regarding a matter that is scheduled before the council for a public hearing where the person is unable to attend and has requested those comments be retained as part of the record, or where council, or other board or commission member, is required to disclose such ex-parte communication.

Any questions as to whether a document is required to be retained under Oregon Public Records Law should be directed to the City Recorder or the City Attorney.

By default, sent e-mail messages are electronically purged weekly from the e-mail server on the 60th day after they are sent.

By default, deleted e-mail messages are electronically purged weekly from the email server on the 7th day after they are deleted. Employees may elect to set their computers to electronically delete deleted emails when they log out of the system each day.

Voicemail messages are electronically deleted on the 30th day after receipt.

SUPPORT:

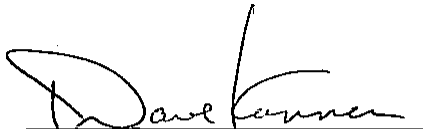
Information Technology and Computer Services support is available by calling (541) 552-2400.

VIOLATIONS:

1. Violation of any provision in this policy will be reviewed on a case-by-case basis and may result in revocation of privileges, discipline in accordance with City Policies.
2. Failure on the part of any elected official, contractor, consultant, or non-employee to comply with the provisions of this policy will constitute grounds for revocation of privileges, termination of their contract.

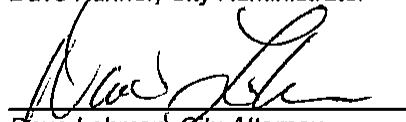


Approved:


Dave Kanner, City Administrator

Date: 5/14/12

Reviewed as to form:


Dave Lohman, City Attorney

Date: 5/14/12



ADMINISTRATIVE POLICY

LAST MODIFICATION: November 01, 2019

Policy No. 2019.11.01

ORIGINATING DEPARTMENT: Administration

SUBJECT: Workplace Fairness Act Policy * **Note: This Policy Replaces Previous City Policy # 2005.03.08 Titled Harassment and Non-Discrimination.**

PURPOSE: This sets forth the City's policy as it relates to harassment, discrimination, and related retaliation in the workplace.

STATEMENT OF POLICY:

The City of Ashland is proud of its tradition of providing a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the City of Ashland harassment and discrimination, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

Definition of Sexual and Gender-Based Harassment

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual, or physical conduct of a sexual nature, disparaging or demeaning remarks/treatment about an individual's gender identity or sexual orientation when:

- (1) Submission to or rejection of sexual or gender-based harassment is a factor in decisions affecting hiring, evaluation, retention, promotion, or other aspects of employment; or
- (2) This conduct interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interferes with another employee's work performance. Also, unwelcome conduct by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment or unreasonably interferes with work. Consequently, this type of conduct should be reported as described below.

Examples of sexual and gender-based harassment may include, but are not limited to:

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Threats and demands to submit to sexual requests in order to obtain or retain any employment benefit;

- Verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature;
- Graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies;
- Flirtations, advances, leering, whistling, touching, pinching, assault, coerced sexual acts, blocking normal movements;
- Visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays in the work place of sexually suggestive objects or pictures;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- Use of City computers, fax machines or other resources to access, send or receive sexually explicit jokes or other communications with a sexual content
- Retaliation for having reported or threatened to report sexual harassment.

Harassment is initially evaluated based on whether the behavior in question is **perceived by the receiver** as unwelcome or unacceptable conduct of a sexual, racial, or other prohibited nature. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

Definition of racial, ethnic, age, religious, disability-related, and other types of harassment

Other forms of harassment prohibited by this policy are defined to include unwelcome conduct of a racial, religious, ethnic, age, disability-related or other nature involving a person's status as a member of a legally protected group or use of legally protected employment rights. Again, such conduct violates the City's policy when:

- (1) Submission to or rejection of this conduct is used as a factor in decisions affecting hiring, evaluation, retention promotion or other aspects of employment; or
- (2) This conduct interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Again, please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interfering with another employee's work performance. Also, unwelcome conduct of a racial, ethnic, etc. nature by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment or unreasonably interferes with work. Consequently, this type of conduct should be reported as described below.

Examples of these types of harassment include, but are not limited to:

- Making racial slurs
- Telling offensive racial or ethnic jokes
- Engaging in racial name calling
- Making derogatory comments about a person's physical or mental limitations
- Mimicking or belittling a person with physical or mental limitations
- Using profanity of a religious nature that is offensive



- Making negative stereotypical comments about a person's religious faith or absence of faith
- Using the City's computers, fax machines or other resources to send or receive messages or pictures which are racially or ethnically offensive
- Displaying pictures, posters or printed material that depicts members of religious faiths in a derogatory manner
- Imitating or making belittling comments about a person's weight or physical attributes
- Demeaning a person based on age, veteran's status or exercising legally-protected employment right(s)
- Other verbal, graphic, or physical conduct of a racial, religious, ethnic, age or disability-related nature which creates an offensive work environment for another employee or unreasonably interferes with another employee's work

Harassment will initially be evaluated based on whether the behavior in question is **perceived by the receiver** as unwelcome or unacceptable conduct of a sexual, racial, or other prohibited nature. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances and business-related social events.

Definition of Discrimination

For purposes of this policy, discrimination is defined as any derogatory conduct towards any individual in the workplace based on legally prohibited factors, such as race, color, religion, sex, sexual orientation, age, marital status, national origin, mental or physical disability or other protected status or activities, in accordance with applicable laws.

Dissemination of Policy

This policy will be provided to all employees, supervisors, and elected officials, and its existence will be displayed prominently at the place of employment. All employees are responsible for knowing of its existence and substance, and of their responsibility for compliance. Additionally, all supervisors and managers are responsible not only for knowing of its existence and substance, but for compliance and enforcement of the policy. This policy will be provided at all new hire orientations and acknowledged with a sign off at the orientation meeting. Any employee disclosing information regarding prohibited discrimination or harassment will be provided a copy of this policy.

Human Resources will be available to answer all questions about the policy and its implementation.

Individuals Covered Under the Policy

The prohibitions outlined in this policy cover all individuals in the workplace (all employees, supervisors, elected officials and contractors working on-site and/or interacting with employees). City of Ashland will not tolerate, condone, or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, customers, or other non-employees who conduct business with the City. The City encourages reporting of all incidents of harassment which create an offensive work environment or unreasonably interfere with an employee's work performance, regardless of who the offender may be, or of the offender's relationship to the City.



This policy applies to employees, elected officials, public officials, contractors, volunteers, interns, and managers.

Employee Responsibilities

Each employee is responsible for preventing prohibited harassment and discrimination through the following acts:

- (1) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- (2) Reporting acts of harassment;
- (3) Assisting any employee who confides that they have been a victim of harassment or discrimination by encouraging him or her to report it;
- (4) Cooperating with harassment, discrimination, and retaliation investigations; and
- (5) Documenting any alleged incidents involving discrimination or harassment.

Manager and Supervisor Responsibilities

Each manager and supervisor will be responsible for preventing acts of prohibited harassment and discrimination, these responsibilities include:

- (1) Monitoring the work environment daily for signs that sexual harassment or discrimination may be occurring;
- (2) Documenting any and all alleged incidents involving discrimination or harassment;
- (3) Counseling all employees on the types of prohibited behavior, and the procedures for documenting, reporting, and resolving complaints of sexual harassment or discrimination;
- (4) Stopping any observed acts that may be considered harassment or discrimination and taking appropriate steps to intervene, whether the involved employees are within the line of supervision;
- (5) Taking immediate action to limit the work contact between the employees where there has been a complaint of harassment or discrimination pending investigation;
- (6) Enforcing non-retaliation prohibitions, including conducting follow-up contacts with employees who report harassment or discrimination to ensure that there has been no retaliation has occurred and transmitting documentation of such contacts to the Human Resources Manager;
- (7) Promptly reporting any incidents of potential discrimination, harassment, or retaliation to Human Resources and following any directives or guidance issued by Human Resources or the City Administrator regarding investigatory roles and other enforcement responsibilities; and
- (8) Cooperating with harassment, discrimination, and retaliation investigations.

Each manager or supervisor shall help any employee who comes to him or her with a complaint of harassment or discrimination by documenting and promptly filing a complaint with Human Resources.



Reporting a Complaint

Employees who feel they have been subject to harassment or discrimination are encouraged to confront the offending employee and ask the person to stop the behavior politely but firmly. If the harassment or discrimination continues, or if the employee believes some employment consequence may result from the confrontation, or if the employee is not comfortable confronting the harasser, the employee should go to his or her supervisor, Personnel Department, Department Head, or the City Administrator. In addition, the employee may report a complaint to BOLI's Civil Rights Complaint Process at www.oregon.gov/BOLI or other available channels of legal resources.

The employee may also have a representative present. The following steps have been established for filing and handling complaints of any employee based on alleged acts of harassment, discrimination, or retaliation:

- (1) Any employee may file a complaint by communicating directly with his or her supervisor, Department Head, Human Resources, or the City Administrator. Multiple options for filing a complaint are available to allow the employee opportunity to select a person with whom he or she feels comfortable. Added resources for reporting a complaint can be found in Appendix A.

An employee has 5 years from an alleged incident to bring a report forward and request an investigation be conducted and/or pursue legal action. This is effective October 1, 2020.

An employee may file a complaint orally by meeting in person with the City Administrator, or by sending it in writing in an envelope marked "Confidential." All complaints will be acknowledged in writing within 15 days of receipt of the complaint.

- (2) Once reported, the City Administrator's office will proceed with an investigation. Investigations may be conducted by the City Administrator, Human Resources, or another person designated by the City Administrator. Confidentiality will be maintained during the investigation to the extent practical.

If the employee who has been accused of violating harassment, discrimination or retaliation prohibitions wishes to have a representative present at any discussion between the employee and the City Administrator or person designated by the City Administrator to conduct the investigation, the employee's request will be honored and a representative will be given the opportunity to be present. All such discussions will be held in private, away from the employee's work area.

- (3) Based on the facts developed, the City Administrator or person designated by the City Administrator to conduct the investigation will render a decision in writing as soon as possible after completion of the investigation. The decision shall say whether there is a finding of either discrimination, harassment, or retaliation based on the nature of the complaint. The results of the investigation will be shared with the person complaining and the person(s) accused, as determined appropriate by the City Administrator.
- (4) New laws effective October 1, 2020 say that an employee may not be requested or required to enter into a non-disclosure or non-disparagement agreement that would prevent the employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault.

However, an employee may request such provisions in an agreement. If an employee makes such a request, the employee has seven days to revoke the agreement.



New laws allow employers to enter into settlement, separation or severance agreements that include provisions that would prohibit an employee from disclosing or discussing such conduct or that would prohibit an employee from seeking reemployment with employer as a term or condition of agreement.

Investigating A Complaint

Confidentiality

Any allegations of harassment, discrimination or retaliation brought to the attention of the City will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Investigation Process

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter, keeping the complainant informed as to the general progress of the investigation.

All employees can be assured that such complaints will be taken seriously and will be investigated and dealt with as discreetly as possible. All employees must fully cooperate with harassment, discrimination, and retaliation investigations. All employees further must provide truthful information in such investigations and to follow "no contact" and other directives issued by the investigator. Failure to do so will subject an employee to disciplinary action, up to and including termination.

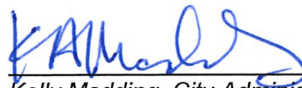
If the investigation determines that any employee was involved in harassing, retaliatory or discriminatory behavior toward another individual in the workplace they will be subject to disciplinary action up to and including termination. This policy applies to employees, elected officials, public officials, contractors, volunteers, interns, and managers.

As required by recent legislation effective January 1, 2020, the employer will follow up with the victim of reported harassment every 3 months for one year to determine whether harassment has stopped or if the victim has experienced retaliation, unless the victim refuses this action in writing.

No retaliation

Retaliation is against the law and will not be permitted at the City of Ashland. This includes retaliation against employees who file a harassment or discrimination complaint, or assist in investigating harassment or discrimination charges, or who report harassing behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are victims of employment related discrimination. Any employee found to have engaged in retaliatory action or behavior will be subject to disciplinary action, up to and including termination.

Approved:


Kelly Madding, City Administrator

Date: 12/13/19

Reviewed as to form:


David Lohman, City Attorney

Date: 12/16/19



APPENDIX A**HUMAN RESOURCES**

Fax: 541-488-5311

City of Ashland

552-2110

Tina Gray, HR Director
grayt@ashland.or.us

552-2101

Marisa Lehnerz, Senior HR Analyst
lehnerzm@ashland.or.us

552-2060

The BOLI Civil Rights Complaint Process can be accessed by going to:
https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx

The following resources can be found at www.oregon.gov/BOLI under the Oregon Civil Rights Division page:

[Americans with Disabilities Act Home Page](#)[Equal Employment Opportunity Commission \(EEOC\)](#)[US Dept of Labor - Family Medical Leave Act \(FMLA\) overview](#)

Added counseling and support services can be accessed as follows:

RBH – Employee Assistance Program

This program is free and confidential to all employees and dependents covered by their health plan.
Phone: 24-hours 1-866-750-1327

www.MyRBH.com

Access code: ashland



ADMINISTRATIVE POLICY

LAST MODIFICATION: May 14, 2012

Policy No. 2007.10.09

ORIGINATING DEPARTMENT: Administration

SUBJECT: Workplace Violence Prevention Policy

PURPOSE: This sets forth the City's policy as it relates to hazards of workplace violence or aggression, prevention and related retaliation in the workplace.

STATEMENT OF POLICY:

Each individual who works for the City of Ashland has the right to work in a professional atmosphere that promotes equal opportunities within a safe environment and prohibits workplace violence or aggression. At the City of Ashland violence or aggression in the workplace is unacceptable and will not be tolerated.

Most important is the safety and security of our employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of Ashland property will not be tolerated. Violations of this policy will lead to disciplinary action which may include dismissal.

Definition of Workplace Violence

To ensure a safe workplace and to reduce the risk of violence, all employees of the City of Ashland should review and understand all provisions of this workplace violence policy. For purposes of this policy, workplace violence is defined as violent acts that result in substantial physical or emotional harm:

- (1) Any physical assault, threatening behavior or verbal abuse occurring in the workplace by employees.
- (2) Threats and threatening behavior are physical, verbal, or written acts that express or are perceived as expressing, intent to cause physical or psychological harm, or both, against an individual or individuals, or cause damage to property.
- (3) Violence or violent behavior is the actual carrying out of threatening behavior.

Please note that even unwelcome conduct of such a nature that occurs off-duty can violate our policy, if that conduct has the purpose or effect of creating a hostile or offensive work environment or unreasonably interfering with another employee's work performance. Also, unwelcome conduct by someone who is not a City employee, such as a volunteer, supplier, independent contractor's employees, etc., violates our policy against harassment, if that conduct creates an offensive work environment for you or unreasonably interferes with your work. Consequently, even this type of conduct should be reported as described below.

Examples of workplace violence may include, but are not limited to:

- Injuring another person physically
- Engaging in behavior that creates a reasonable fear of injury to another person
- Engaging in behavior that subjects another individual to extreme emotional distress
- Possessing, brandishing, or using a weapon that is not required by the individual's position while on city premises or engaged in city business
- Intentionally damaging property
- Psychological trauma such as threats, threatening to injure an individual or to damage property
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment, obscene phone calls
- Retaliating against any employee who, in good faith, reports a violation of this policy

Definition of other types of inappropriate behaviors in the workplace

Other types of inappropriate workplace violence that are prohibited by this policy are defined to include indicators that increase risk of violent behavior. Again, such conduct violates the City's policy when:

- (1) Unwelcome name-calling, obscene language, and other abusive behavior;
- (2) Physically touching another employee in an intimidating or threatening manner.

Examples of potentially violent behavior include, but are not limited to:

- Direct or veiled threats of harm;
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
- Numerous conflicts with supervisors and other employees;
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons;
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide;
- Drug/alcohol abuse; and
- Extreme changes in behavior



Determining Risk Factors for Workplace Violence

- Type I** **Criminal Act:** This type of violence involves verbal threats, threatening behavior or physical assaults by an assailant who has no legitimate relationship to the workplace.
- Type II** **Recipient of Service:** The person causing the violence is either a recipient or object of a service provided by via the workplace. He/she is a current or former client or customer.
- Type III** **Employment Relationship:** The person has an employment-related involvement with the workplace. This can either be someone who has a direct relationship, a current or former employee, or someone who has a relationship to a current or former employee.

Dissemination of Policy

This policy will be disseminated to all employees, supervisors, and elected officials, and its existence will be displayed prominently at the place of employment. All employees are responsible for knowing of its existence and substance, and of their responsibility for compliance. Additionally, all supervisors and managers are responsible not only for knowing of its existence and substance, but for compliance and enforcement of the policy. The Human Resource Department will be available to answer all questions about the policy, or its implementation.

Individuals Covered Under the Policy

The prohibitions outlined in this policy cover all individuals in the workplace (all employees, supervisors, elected officials and contractors working on-site and/or interacting with employees). City of Ashland will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, customers, or other non-employees who conduct business with the City. The City encourages reporting of all incidents of harassment which create an offensive work environment or unreasonably interfere with an employee's work performance, regardless of who the offender may be, or of the offender's relationship to the City.



Employee Responsibilities

Each employee is responsible for assisting in the prevention of workplace aggression and/or violence through the following acts by refraining from participating in, or encouraging the following actions. Employees will report acts of workplace violence to their supervisor or Human Resources:

- Unwelcome name-calling, obscene language, and other abusive behavior.
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of the thrown object.
- Physically touching another employee in an intimidating, malicious, or sexually harassing manner which includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, pushing, etc.
- Physically intimidating others including such acts as obscene gestures, getting “in your face,” and fist-shaking.

Manager and Supervisor Responsibilities

Each manager and supervisor will be responsible for preventing acts of prohibited workplace violence and aggression, these responsibilities includes:

- (1) Monitoring the work environment on a daily basis for signs that workplace violence or aggression may be occurring;
- (2) Counseling all employees on the types of prohibited behavior, and the procedures for reporting and resolving complaints of workplace violence or aggression;
- (3) Stopping any observed acts that may be considered violence or aggression and taking appropriate steps to intervene, whether or not the involved employees are within the line of supervision;
- (4) Taking immediate action to limit the work contact between the employees where there has been a complaint of workplace violence or aggression pending investigation;
- (5) Enforcing non-retaliation prohibitions, including conducting follow-up contacts with employees who report workplace violence or aggression to ensure that no retaliation has occurred and transmitting documentation of such contacts to the Human Resources Manager;
- (6) Promptly reporting any incidents of potential workplace violence or aggression to Human Resources and complying with any directives or guidance issued by the Human Resources Director, Department Head or the City Administrator with regard to investigatory roles and other enforcement responsibilities; and
- (7) Cooperating with workplace violence or aggression and retaliation investigations.

Each manager or supervisor shall assist any employee who comes to him or her with a complaint of workplace violence or aggression by documenting and promptly filing a complaint with the Human Resources Department.



Reporting a Complaint

Employees who feel they have been subject to workplace violence or aggression are encouraged to politely but firmly confront the offending employee and ask the person to stop the behavior. If the violence or aggression continues, or if the employee believes some employment consequence may result from the confrontation, or if the employee is not comfortable confronting the offender, the employee should go to his or her supervisor, Department Head, Human Resources Department, or the City Administrator. However, employees may file a complaint with staff as stated below. The employee may also have a representative present. The following steps have been established for filing and handling complaints of any employee based on alleged acts of workplace violence or aggression:

- (1) Any employee may file a complaint by communicating directly with his/her supervisor, Department Head, Human Resource Director, or the City Administrator. Multiple options for presenting a complaint are made available with the intent of giving the employee the opportunity to select a person with whom he or she feels comfortable.

An employee may file a complaint orally by meeting in person with the City Administrator, or by submitting it in writing in an envelope marked "Confidential." All complaints will be acknowledged in writing within 15 days of receipt of the complaint.

- (2) Once reported, the City Administrator's office will proceed with an investigation. Investigations may be conducted by the City Administrator, the Human Resources Manager or another person, as designated by the City Administrator. Confidentiality will be maintained as far as the City determines it is practicable.

If the employee who has been accused of violating the workplace violence policy wishes to have a representative present at any discussion between the employee and the City Administrator or person designated by the City Administrator to conduct the investigation, the employee's request will be honored and a representative will be given the opportunity to be present. All such discussions will be held in private, away from the employee's work area.

- (3) On the basis of the facts developed, the City Administrator or person designated by the City Administrator to conduct the investigation will render a decision in writing as soon as possible after completion of the investigation. The decision shall state whether or not there is a finding of either discrimination, harassment or retaliation, as appropriate based on the nature of the complaint. The results of the investigation will be shared with the person complaining and the person(s) accused, as determined appropriate by the City Administrator.

Investigating the Complaint

Confidentiality

Any allegations of workplace violence or aggression brought to the attention of the City will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.



Investigation Process

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter, keeping the complainant informed as to the general progress of the investigation.

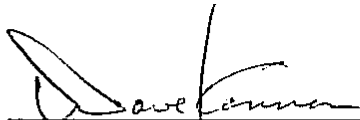
All employees can be assured that such complaints will be taken seriously and will be investigated and dealt with as discreetly as possible. All employees are required to fully cooperate with workplace violence or aggression investigations. All employees are further required to provide truthful information in such investigations and to comply with “no contact” and other directives issued by the investigator. Failure to do so will subject an employee to disciplinary action, up to and including termination.

If the investigation determines that any employee was involved in workplace violence or aggressive behavior toward another individual in the workplace, (including employees, elected officials, contractors and managers) they will be subject to disciplinary action up to and including termination.

No retaliation

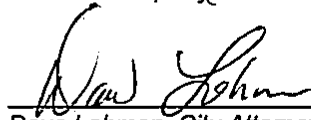
Retaliation is against the law and will not be permitted at the City of Ashland. This includes retaliation against employees who file a workplace violence or aggression complaint, or assist in investigating workplace violence or aggression charges, or who report violent behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are victims of employment related violence. Any employee found to have engaged in retaliatory action or behavior will be subject to disciplinary action, up to and including termination.

Approved:


Dave Kanner, City Administrator

Date: 5/14/12

Reviewed as to form:


Dave Lohman, City Attorney

Date: 5/14/12



City of Ashland Social Media Policy

Purpose:

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

Definitions:

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

ADMINISTRATION

20 East Main Street
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.6002
Fax: 541.488.5311



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

Content Guidelines, What Not to do:

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

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

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

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

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

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

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

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

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

Content Guidelines – What to do!

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

Personal use of social media:

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

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

ADMINISTRATION

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Ashland, Oregon 97520
ashland.or.us

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Fax: 541.488.5311



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

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

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

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

Public Meetings:

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

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OREGON'S STATEWIDE BIAS RESPONSE HOTLINE

1-844-924-BIAS



LÍNEA DIRECTA CONFIDENCIAL DE RESPUESTA A PREJUICIOS DE OREGÓN.

1-844-924-BIAS

CUSTOMERS' BILL OF RIGHTS

[Store name] prohibits profiling in our stores.

"Profiling" is defined generally as the practice of judging and addressing people based on their race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, appearance, or any personal or physical characteristics.

Profiling is an unacceptable practice and will not be tolerated.

[Store name] is committed to ensuring that all shoppers, guests, and employees are treated with respect and dignity and are free from unreasonable searches, profiling, and discrimination of any kind in our store.

[Store name] strictly prohibits unreasonable searches and/or the profiling of customers by any employee. The participation by employees in such activities or the failure to report such instances of which they have knowledge is a violation of company policy. Employees who violate the company's prohibition on profiling will be subject to disciplinary action, up to and including termination of employment.

[Store name] supports the use of internal programs to test compliance with our strict prohibition against profiling practices.

[Store name] retains security guards and/or loss prevention professional to help provide shoppers and employees with a safe and secure shopping environment. Security guards in New York State are trained and licensed pursuant to New York State's General Business Law, including pre-employment training, on-the-job training, and regular in-service training required by state law.

[Store name] requires its employees to respect the basic civil and legal rights of any person suspected of shoplifting or other crime committed on store property.

[Store name] requires all loss prevention employees to identify themselves as members of [Store name] loss prevention department when initiating any customer contact and to willingly provide his/her name to any customer upon request. The use of excessive force or using threatening, vulgar language when apprehending or detaining suspects or in the course of performing any duties as a loss prevention representative is prohibited.

A person may be detained only in a reasonable manner and for not more than a reasonable time to permit investigation or questioning, provided an authorized employee has reasonable grounds to believe that the person so detained was guilty of criminal possession of an anti-security item or was committing or attempting to commit shoplifting on the premises (New York State General Business Law, Section 218).

Nothing contained herein is intended to limit any other obligations the Store may have or rights that the shopper may have under any Court decrees or under state and federal Constitutions or the laws of the State in which the Store is located.

To report any instance of profiling or violation in this store, please call:

[Store to identify contact information for manager on duty.]

[Store to identify corporate contact.]

New York State Division of Human Rights: 1-888-392-3644

New York City Commission on Human Rights: 212-306-7450

