

City of Biddeford
Diversity, Equity and Inclusion Committee
September 07, 2023 5:30 PM Via Zoom

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/97229649232?pwd=SEQ5SIU3U2FzNIBIVkF1N2dlejFtdz09>

Passcode: 339954

Or One tap mobile :

+13092053325,,97229649232# US

+13126266799,,97229649232# US (Chicago)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

Status: Policy Sub Committee Meeting

1. Call to Order

2. Discussion Items:

2.1. Community Engagement Checklist

2.2. Flag Policy Review

[20230828 Flag Policy for Policy Committee - STRIKETHROUGH.pdf](#)

[20230828 Flag Policy for Policy Committee - CLEAN.pdf](#)

2.3. Standing Monthly Meeting Times

3. Adjourn:

City of Biddeford Flag Display Policy

1. PURPOSE

It is the intent of the City of Biddeford to establish a citywide policy, which follows the United States and State of Maine provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag. Any additions must be approved ~~by the Biddeford City Council~~ as per Section 4.

2. REFERENCE

United States and State of Maine provisions governing the display of flags. These can be found in the United States Code, Title 4, Chapter 1 and the Maine Statutes Annotated, Title 1, Chapter 9 (hereinafter “Flag Code and Protocol”).

3. APPLICATION

This Policy applies to all buildings owned or controlled by the City of Biddeford and all individuals employed by or who volunteer with the City of Biddeford, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement, Civil Service Rule, or Memorandum of Understanding, etc.).

4. GUIDANCE

a. Display and Care of Flags:

The City of Biddeford follows the Federal and State of Maine Flag Code and Protocol governing the display and care of flags. This policy will be reviewed for possible amendments should the Federal and State of Maine Flag Code be amended.

b. Display of Additional Flags Indoors or Outdoors:

- i. In addition to the above flags, other “Special Flags or Banners” may be displayed on ~~either~~ the flagpole located on the left side of City Hall directly outside of the Mayor’s office ~~or other available flagpoles~~. Such Special Flags or Banners may only be displayed upon administrative approval from ~~the City staff within the City Manager’s Office based on the criteria outlined below. Biddeford City Council.~~

—Examples of Special Flags or Banners include, but are not limited to, sister city flags, Heritage Month flags (e.g., Black History Month, Pride Month, Asian/Pacific American History, National Hispanic Heritage, and Indigenous peoples’ heritage), flags received in recognition of awards, flags received from visiting groups, flags representing an organization dedicated to the public good for the Citizens of Biddeford, or ~~or~~ flags designating an local event or accomplishment. ~~Flags representing or implying specific political party affiliations or candidates are not permitted, but flags encouraging civic engagement or service (such as "vote" flags) are permitted so long as all other criteria are met.~~

1.

2. Up to three (3) Special Flags may be flown at any given time on

a dedicated flagpole and will be flown in the order requests are received unless otherwise determined by City Staff or ~~City Council~~the Diversity, Equity and Inclusion Committee.

1.3. Special Flag requests must have a time-bound element, meaning tied to a specific date or current event related to the dates being requested for the flag to fly. For example, a local or national current event, a specific holiday and/or a national day of remembrance. Flags without a time-bound element will be denied even if all other criteria are met.

4. The City Manager's Office, in consultation with the DEI Coordinator, will approve or deny each special flag request in accordance with the policy as described below: ~~When selecting or approving a request for flying a Special Flag, the City Council shall consider and make a determination that the Special Flag meets at least one or more of the following criteria~~

- a. The flag must represent a positive interest or value worthy of public recognition.
- b. Flags representing or implying specific political-party affiliations or candidates are not permitted, but flags encouraging civic engagement or service (such as "vote" flags) are permitted so long as all other criteria are met.
- c. If the flag requested to fly is an historic American flag, it must be a flag that continues to have a primary positive message of unity.
- d. At no time will the City of Biddeford display flags deemed to be inappropriate or offensive in nature or those supporting discrimination, prejudice, or the oppression of others.

~~Whether the United States or State of Maine has recognized the flag through statute or proclamation;~~

~~Whether the flag represents an organization dedicated to the public good for the Citizens of Biddeford;~~

~~Whether the flag represents a National, State, or City interest;~~

~~Whether the flag is an historic American flag that has or continues to have a primary positive message of American history and unity;~~

~~Whether the flag promotes unity and community with another city, state, country, or other jurisdiction; or~~

~~Whether the flag represents a positive interest or value worthy of public recognition.~~

e. Flags representative of specific special events noted on the City's established Diversity Calendar shall be considered pre-approved but will still need to be requested via the City of Biddeford Flag Request Form.

f. ~~From time to time, a~~ A flag request that otherwise would be approved may be denied ~~for a particular set of dates~~ due to the potential perception of intimidation and/or being antagonizing toward another group ~~(f. For example, flags representing one group with a documented historical background of intimidation and/or mental or physical abuse of another group that is going to fly a flag~~

at the same time). In these cases, the requestor will be asked to choose a different date for their flag to fly. Examples may include but are not limited to flying the British flag on Saint Patrick's Day or the Ancient Roman Flag on Good Friday. If a citizen feels a flag has been approved for a time that may be perceived as intimidation or antagonizing toward another group, this can be reported to the Diversity, Equity and Inclusion Coordinator. Historical backup of the claim will then be requested and evaluated by the City of Biddeford Diversity, Equity and Inclusion Coordinator. If the historical backup shows the concern to be founded, the flag may be removed and requestor will be asked to choose a different time for it to fly so long as it meets all other criteria. Similarly, in the case of multiple flag requests that present conflicting messaging that harms one or all groups, the requestors may be asked to adjust their request dates in order to ensure that the flags fly separately.

5. Individuals or groups may appeal the City Manager's Office Staff decisions on Special Flags by contacting the DEI Coordinator for review. Appeals to the DEI Coordinator's decision will be reviewed by the DEI Committee and are considered binding.

ii. Unless otherwise stated or determined through the appeal process as outlined in Section 4.b.i.5 by the City Council, all Special Flags or Banners shall be flown or displayed for a limit of ~~seven~~ the the time-bound date or thirty (30) contiguous calendar days after a defined start date, whichever is less, except as identified in 4.b.v. Requests may be adjusted at the discretion of City staff in order to begin and/or end on a business day so that City staff will be available to raise and lower the flag.

iii. Requests must be submitted no more than ninety (90) days prior to the defined start date and no less than fourteen (14) days before the start date.

iv. The flag that is being requested to fly must be provided by the requestor and retrieved from the City Manager's office after the raising. The flag must be a clean and serviceable flag.

ii.—

v. The same Special Flag or Banner may not be flown more than twice every calendar year. Special Flags or Banners will be considered to be the same if they have the same design and/or represent the same organization or interest.

vi. In the interest of allowing as many citizens as possible to request Special

Flags, Special Flag requests have the following limits:

1. Only Biddeford Citizens or Biddeford-based organizations are eligible to submit special flag requests and appeals.
2. Biddeford Citizens are limited to two approved Special Flag request per calendar year
- 1-3. Biddeford-based organizations, representing multiple Biddeford Citizens, may make multiple approved requests per calendar year for different Special Flags.

vii. The Mayor has the discretion to fly an appropriate flag, ~~as per the criteria listed in 4.b.i.2. above,~~ for up to one a single day month if ~~he or she~~ they determines that a public purpose is served by flying the flag.

~~iii.—~~

~~iv.—~~

viii. Any Special Flag or Banner flown from a flagpole at City Hall must not be larger than the flag of the United States of America.
~~and must be located beneath the flag of the United States of America when flown on the same staff.~~

c. Display of the Flags at Half-Staff

1. ~~All~~ flags shall be flown at half-staff as prescribed or consistent with this policy or as directed by the proper federal or state officials. Adjustments to time and height of special flags may be adjusted when circumstances require the American Flag to be flown at half-staff.
2. In addition to any federal or state protocols or directions, the Mayor (or designee) or council president in the absence of the mayor, may order the City of Biddeford flag to be flown at half-staff for one week under the following circumstances:
 - a. On the death of any of the following individuals:
 - i. Biddeford Mayor, ex-Mayor, or Mayor-elect;
 - ii. Current member of Biddeford City Council;
 - iii. Current head of any City Department or current employee;
 - iv. Any other local official, citizen, or other individual deemed by the Mayor to have made significant contributions to the benefit and welfare of the City and citizens of Biddeford.
 - b. Any instance where a City of Biddeford employee has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties.
3. The Mayor shall state the reason or name of the individual in whose honor the flag or flags have been or are to be lowered to half-staff at the first available public meeting of the Biddeford City

Council.

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b. Display of Additional Flags Indoors or Outdoors:

- i. In addition to the above flags, other “Special Flags or Banners” may be displayed on the flagpole located on the left side of City Hall directly outside of the Mayor’s office. Such Special Flags or Banners may only be displayed upon administrative approval from City staff within the City Manager’s Office based on the criteria outlined below.

1. Examples of Special Flags or Banners include, but are not limited to, sister city flags, Heritage Month flags (e.g., Black History Month, Pride Month, Asian/Pacific American History, National Hispanic Heritage, and Indigenous peoples’ heritage), flags received in recognition of awards, flags received from visiting groups, flags representing an organization dedicated to the public good for the Citizens of Biddeford, or flags designating a local event or accomplishment.
2. Up to three (3) Special Flags may be flown at any given time on a dedicated flagpole and will be flown in the order requests are received unless otherwise determined by City Staff or the Diversity, Equity and Inclusion Committee.
3. Special Flag requests must have a time-bound element, meaning tied to a specific date or current event related to the dates being

requested for the flag to fly. For example, a local or national current event, a specific holiday and/or a national day of remembrance. Flags without a time-bound element will be denied even if all other criteria are met.

4. The City Manager's Office, in consultation with the DEI Coordinator, will approve or deny each special flag request in accordance with the policy as described below:
 - a. The flag must represent a positive interest or value worthy of public recognition.
 - b. Flags representing or implying specific political-party affiliations or candidates are not permitted, but flags encouraging civic engagement or service (such as "vote" flags) are permitted so long as all other criteria are met.
 - c. If the flag requested to fly is an historic American flag, it must be a flag that continues to have a primary positive message of unity.
 - d. At no time will the City of Biddeford display flags deemed to be inappropriate or offensive in nature or those supporting discrimination, prejudice, or the oppression of others.
 - e. Flags representative of specific special events noted on the City's established Diversity Calendar shall be considered pre-approved but will still need to be requested via the City of Biddeford Flag Request Form.
 - f. A flag request that otherwise would be approved may be denied for a particular set of dates due to the potential perception of intimidation and/or being antagonizing toward another group (for example, flags representing one group with a documented historical background of intimidation and/or mental or physical abuse of another group that is going to fly a flag at the same time). In these cases, the requestor will be asked to choose a different date for their flag to fly. Examples may include but are not limited to flying the British flag on Saint Patrick's Day or the Ancient Roman Flag on Good Friday. If a citizen feels a flag has been approved for a time that may be perceived as intimidation or antagonizing toward another group, this can be reported to the Diversity, Equity and Inclusion Coordinator. Historical backup of the claim will then be requested and evaluated by the City of Biddeford Diversity, Equity and Inclusion Coordinator. If the historical backup shows the concern to be founded, the flag may be removed and requestor will be asked to choose a different time for it to fly so long as it meets all other criteria. Similarly, in the case of multiple flag requests that present conflicting messaging that harms one or all groups, the requestors may be asked

to adjust their request dates in order to ensure that the flags fly separately.

5. Individuals or groups may appeal the City Manager's Office Staff decisions on Special Flags by contacting the DEI Coordinator for review. Appeals to the DEI Coordinator's decision will be reviewed by the DEI Committee and are considered binding.
 - ii. Unless otherwise stated or determined through the appeal process as outlined in Section 4.b.i.5, all Special Flags or Banners shall be flown or displayed for a limit of the time-bound date or thirty (30) contiguous calendar days after a defined start date, whichever is less, except as identified in 4.b.v. Requests may be adjusted at the discretion of City staff in order to begin and/or end on a business day so that City staff will be available to raise and lower the flag.
 - iii. Requests must be submitted no more than ninety (90) days prior to the defined start date and no less than fourteen (14) days before the start date.
 - iv. The flag that is being requested to fly must be provided by the requestor and retrieved from the City Manager's office after the raising. The flag must be a clean and serviceable flag.
 - v. The same Special Flag or Banner may not be flown more than twice every calendar year. Special Flags or Banners will be considered to be the same if they have the same design and/or represent the same organization or interest.
 - vi. In the interest of allowing as many citizens as possible to request Special Flags, Special Flag requests have the following limits:
 1. Only Biddeford Citizens or Biddeford-based organizations are eligible to submit special flag requests and appeals.
 2. Biddeford Citizens are limited to two approved Special Flag request per calendar year
 3. Biddeford-based organizations, representing multiple Biddeford Citizens, may make multiple approved requests per calendar year for different Special Flags.
 - vii. The Mayor has the discretion to fly an appropriate flag for up to one month if they determine that a public purpose is served by flying the flag.
 - viii. Any Special Flag or Banner flown from a flagpole at City Hall must not be larger than the flag of the United States of America.
- c. Display of the Flags at Half-Staff
1. Flags shall be flown at half-staff as prescribed or consistent with this policy or as directed by the proper federal or state

officials. Adjustments to time and height of special flags may be adjusted when circumstances require the American Flag to be flown at half-staff.

2. In addition to any federal or state protocols or directions, the Mayor (or designee) or council president in the absence of the mayor, may order the City of Biddeford flag to be flown at half-staff for one week under the following circumstances:
 - a. On the death of any of the following individuals:
 - i. Biddeford Mayor, ex-Mayor, or Mayor-elect;
 - ii. Current member of Biddeford City Council;
 - iii. Current head of any City Department or current employee;
 - iv. Any other local official, citizen, or other individual deemed by the Mayor to have made significant contributions to the benefit and welfare of the City and citizens of Biddeford.
 - b. Any instance where a City of Biddeford employee has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties.
3. The Mayor shall state the reason or name of the individual in whose honor the flag or flags have been or are to be lowered to half-staff at the first available public meeting of the Biddeford City Council.