

THE BELOW IS A SAMPLE POLICY STATING SOME OF THE ISSUES THAT IT MAY ADDRESS. YOUR LEGAL COUNSEL SHOULD ALWAYS REVIEW AND AGREE WITH ANY POLICY OF THIS TYPE ADOPTED BY THE BOARD.

XYZ COMMUNITY ASSOCIATION

BOARD OF DIRECTORS RESOLUTION/POLICY REGARDING USE OF SOCIAL MEDIA BY MEMBERS OF THE BOARD, COMMITTEE MEMBERS AND INDIVIDUAL OWNERS OR THE COMMUNITY MANAGER WITHIN OR REGARDING THE XYZ COMMUNITY ASSOCIATION

Members of the Board of Directors of a Common Interest Community volunteer their services to the Association for numerous reasons ranging from a desire to participate more closely in making decisions that affect the community to a desire to undertake a significant challenge. The board of directors understand that Social Media plays a large part in many peoples lives, but there is a limit to what is acceptable to post about another person or entity without repercussions. Because of potential issues such as cyberbullying, defamation and invasion of privacy, the board is creating this resolution and as the governing body of this Nevada Corporation, the board is to setting out a policy detailing how these threats will be handled.

WHEREAS, the Board of Directors has consulted legal counsel to establish a Social Media policy for use within the association to ensure that compliance complies with the requirements for rules to be adopted by community associations in Nevada pursuant to NRS 116.31065 and other applicable laws along with the governing documents; and

WHEREAS, the Board of Directors resolved that the adoption and imposition of Social Media policy proposed by this resolution is in the best interest of the Association and its members; and

WHEREAS, the aim of this policy and procedure is to ensure that any complaint of improper use of social media is effectively and speedily dealt with and that appropriate action is taken to ensure as far as possible that it does not occur again. It is important that the rights of both the complainant and the alleged abuser are protected throughout the process.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Association adopts the following rules setting forth the use of Social Media in any way when referring to the Association, members of the board of directors, Committee Members, the Community Manager or any owner within the Association as specifically set forth below in their entirety and they shall apply after 30 days of distribution to the owners with the date attested to below:

- A. Any Social Media shall be limited, by the association, to matters that would only benefit the community and not to any restricted media as restricted below.
- B. Each owner must agree to the Use of Terms of Service before signing up checking that they agree to adhere to this policy. Should someone violate these policies, they will hold the association harmless in the event they feel they've been harmed using the website.
- C. Restricted content shall never be posted on the association's website regardless of members or nonmembers. The official association website is not the place for people to post their gripes about the association, its leadership, other owner-members, the municipality, any contractors, the Community manager or any other unsuspecting victims. There shall not be any open posting forums, bulletin boards or other area where people can freely post anything they want to the website.
- D. The association's website shall be for members only and if the member has a tenant, only through a delegation of use form completed and signed, shall the tenant be allowed access. They will be restricted to only certain areas of the website as some will be designated for owners only.
- E. No Personal Identifiable Information will ever be posted on the website. Social Security Numbers, Vehicle license plate numbers, birthdays, private telephone numbers, and ages.
- F. Should Committee Chairs wish to have a "bulletin-board" to post garage sales, community calendar or other events, the community shall submit this information to the designated contact person for the website, via e-

mail, mail, texting or in person it will not be acceptable for this association. The responsible person can then compile the information, edit if necessary and post it to the website.

- G. Any social media posted by the controlling party of the website, shall be for the benefit of the person, entity or the association.
- H. Additional Prohibited Posting are as follows:
 - 1. Anonymity is prohibited in any communication on the website.
 - 2. Use of a fictitious name is prohibited
 - 3. Ranting is prohibited
 - 4. Posting of photos of children will never be posted UNLESS the parent has signed a release of liability form and given their consent.
 - 5. Posting of photos of any person shall have the same requirement to sign a release of liability form giving the Association permission to post and for how long, etc.
 - 6. The posting of personal harassing, discriminatory or otherwise threatening comments and/or material is prohibited;
 - 7. The posting of pornographic, obscene, hateful, incendiary, violent, unlawful or otherwise illegal comments and/or material is prohibited;
 - 8. The uploading/posting of copyrighted material or images is prohibited;
 - 9. The posting of defamatory comments of any kind is prohibited;
 - 10. The posting of personal views as representing those of the association is prohibited;
 - 11. The posting of "junk" messages, advertisements or other solicitations, not related to the association in any way, is prohibited.
 - 12. The association reserves the right to remove offending posts(s) without any prior notice and/or reserves the right to terminate access to any person who does not abide by the posting policy.
 - 13. Commercial advertisements are prohibited. As the Association does not search to verify proper licensing, insurance, etc. and assume that responsibility, they are prohibited.
- I. Any violation of this rule can be grounds for removal of the post and a ban on all future posts on the association's website.
- J. The Association will perform a monthly search on the associations name to ensure that there are no copycat sites, etc. that are acting improperly that may harm the Association.
- K. To ensure that the Association's insurance is not affected negatively, the board will consult with the insurance agent before considering any websites, etc., because actions or inactions on social media issues can trigger liability, D&O and/or Cyber liability issues. The coverages normally exclude bodily injury, personal injury, discrimination, breach of contract, injury or damage and many more areas.

Because of potential liability from any posting that can negatively affect the Association, residents or the manager or vendors, a majority of the Board shall determine, in its sole discretion, whether acts occurring on Social Media platforms within or outside the Association create a hostile environment or constitute harassment, slander or extreme embarrassment because of postings on Social Media. Acts are considered to create a hostile environment regardless of whether they were intended for the person or entity being stressed through statements on Social Media. The Board of Directors shall determine, in its sole discretion, looking at the totality of the circumstances, whether a violation of this resolution rises to the level of constituting a health, safety, and welfare violation to members of the Association or employees and/or agents of the Association. If any member(s) of the board is accused of any harassment or other conduct in violation of this policy, the Board member(s) so accused shall recuse themselves from any discussions and determinations regarding whether conduct constitutes harassment or whether a violation exists and whether to impose sanctions [NRS 116.3102, 116.21031, 116,31065 and 116.33184)].

EFFECTIVE DATE, The Secretary or another officer of the Association shall ensure this Resolution to be either hand-delivered or mailed, via United States mail, to the mailing address of each Unit or to any other mailing address designated *in writing* by the Unit's owner or sent via email as approved in writing by a member within thirty (30) days of the date of execution below. This resolution shall be effective thirty (30) days after the date of delivery.

RESOLUTION TO CONFORM TO NRS 116, NAC 116, NRS 116A AND NAC 116a, this resolution was drafted in conformance with Nevada and Federal law, including but not limited to, Chapter

116 of the Nevada Revised Statutes, as of the date of execution of this document. Further, pursuant to this statement of conformance within this Resolution and NRS 116.1206, this Resolution and the rules and regulations established hereby shall be deemed and read to conform to and/or be superseded by Chapter 116 of the Nevada Revised Statute and any further amendments to such above Chapter and no amendment to this Resolution shall be necessary for such conformance.

Duly adopted by the Board of Directors on _____, 2020 and in witness whereof, the Association has approved and executed this Resolution as of the ____ day of _____, 2020.

President

Secretary

On _____, 2020, the undersigned delivered as allowed by NRS 116 this Resolution to all Owners of record in the Association.
