



## **Social Media Use Policy** **Resolution 03-21-19; Adopted March 16, 2021**

### **I. Purpose**

The Board of Directors (the “Board”) of Third Laguna Hills Mutual (the “Association and/or Mutual”) has adopted the following Social Media Use Policy (the “Policy”) to provide guidance and expectations regarding the use of social media relating to issues involving the Mutual by members of the Board, any Mutual committee member, volunteers, or other persons otherwise currently acting or serving in some representative capacity for the Mutual, or serving in such role in the past.

### **II. Background**

While the widespread adoption of social media, and its use by members and residents of the Mutual allows for members and residents to communicate regarding Mutual-related matters and to share information quickly and easily with other Mutual members and residents, it also presents unique challenges to the Mutual’s representatives on the Board and various committees who are also residents.

As representatives of the Mutual, Board members and committee members, as well as other volunteers, when communicating with other residents and members outside of official meetings about Mutual business, may inadvertently give the impression to others that they speak in an official capacity as a representative of the Mutual and thus speak for the Mutual. Even if such representatives state that they are communicating in an “unofficial capacity”, by virtue of their position, they inherently convey that they speak with authority and/or from knowledge that may not be publicly known, and their statements and opinions may thus carry more weight than those of other residents due to their position on the Board or a committee. In other words—a representative of the Mutual serving on the Board or on a committee cannot simply change hats when it suits them, and during the entire term of their position as a representative of the Mutual, their actions reflect on the Mutual itself. As such, all representatives of the Mutual are expected to conduct themselves in a manner appropriate to such position and which will not reflect poorly on the Mutual or expose the Association to undue risk or potential liability.

With regard to social media in particular—which includes, without limitation, such platforms as Nextdoor, Facebook, Twitter, Youtube, Instagram, Gab, Parler, Reddit, and TikTok among others—representatives of the Mutual may wish to communicate with other members and residents regarding certain Mutual-related information, or to respond to and/or clarify information being circulated that may be incorrect or reflect poorly on such individual, the Board or a particular committee, or the Mutual and its staff. However, in doing so, such person may convey non-public/confidential information and/or

communicate in such a way that implies that person speaks as a representative of the Mutual with the authority of the Mutual, which could have potentially significant legal consequences for the Mutual.

### **III. Guidelines for Social Media Use by Mutual Representatives**

Given the potential risk of legal liability for the Mutual, the potential for representatives to tarnish the Mutual's reputation through inappropriate actions, words, and/or behavior, and the requirements of the Davis-Stirling Common Interest Development Act that official Mutual business only be conducted at officially-noticed meetings, the following guidelines shall be applicable to all persons serving in a representative capacity for the Mutual, including without limitation, members of the Board, members of any committee, and official volunteers, such as, without limitation, advisors, and other such persons who have access to nonpublic knowledge relating to the Mutual's business.

- A. All Mutual representatives are expected to exercise personal responsibility whenever they use social media in any capacity, even in a personal capacity not related to the Mutual.
- B. Mutual representatives shall not post any content on any social media platform relating to official Mutual business, actions taken by the Mutual, or otherwise relating to Mutual issues under the purview of the Mutual's corporate powers and duties.
- C. Mutual representatives shall not post any content on any social media platform relating to Mutual staff and the performance of any staff member's duties on behalf of the Mutual, or to the performance of other representatives of the Mutual including Board members, committee members, or volunteers. Mutual representatives are expected to address any concerns with staff or other representatives through official channels of communication and in a constructive manner keeping in mind their obligation to act in the best interests of the Mutual.
- D. Mutual members shall not respond to any posting on social media by *other* persons relating to official Mutual business, actions taken by the Mutual, or otherwise relating to Mutual issues under the purview of the Mutual's corporate powers and duties, including both written comments or statements, sharing or re-posting, "liking," or otherwise reacting to such content. This includes responding to content specifically targeting or referring to such representative and the performance of their duties as a representative of the Mutual.
- E. Postings on any social media platforms that a representative believes in good faith warrants a response by the Mutual due to such posting being defamatory, containing objectively false information, or otherwise, should be brought to the attention of the Board as soon as practicable so that the Board or an executive committee thereof may determine whether an official response is warranted and to prepare an official response on behalf of the Mutual with the assistance of legal

counsel, as may be appropriate. In the alternative, the Board or executive committee may approve a response for the individual representative to post that protects the Mutual and such representative.

- F. Any posting or response to any posting on any social media platform by the Mutual or a representative of the Mutual responding in their official capacity with the prior written approval of the Board shall clearly indicate that the posting is a communication approved by the Board and that any issues or concerns with the Mutual or its representatives should be sent directly to the Board or staff for the Board to address in an official meeting.

#### **IV. Guidelines for Social Media Use by Former Mutual Representatives**

While persons who have previously served as representatives of the Mutual, but who no longer serve in such capacity, shall not be subject to the same guidelines as those currently serving in a representative capacity for the Mutual, such persons and their actions do still, in some respects, reflect on the Mutual. Further, such former representatives, including without limitation, prior members of the Board, members of any committee, and official volunteers, may have had, through such position, access to nonpublic knowledge relating to the Mutual's business. Given the foregoing, the following guidelines and expectations for such former representatives shall apply.

- A. Former Mutual representatives shall not post any content on any social media platform relating to official Mutual business, actions taken by the Mutual, or otherwise relating to Mutual issues under the purview of the Mutual's corporate powers and duties that involves nonpublic and/or confidential information that such former representative had access to by means of their prior position, as the duty to maintain confidentiality extends beyond the term of any position or representative relationship of such person on behalf of the Mutual.
- B. Former Mutual representatives shall not hold themselves out on any social media platform as currently representing the Mutual in any capacity.
- C. Former Mutual representatives are still expected to exercise personal responsibility whenever they use social media in any capacity, due to their prior affiliation with the Mutual, and to not engage in behaviors on social media directed toward current Mutual representatives, including without limitation, the Board or Mutual staff, that may constitute a nuisance.

#### **V. Violations of Policy**

Mutual representatives, including members of the Board, members of any committee, and official volunteers, who violate the guidelines in this Policy are deemed to be acting outside the course and scope of their authority as representatives of the Mutual. Any representative in violation of this Policy may be subject to immediate disciplinary action, including, but not limited to: (i) censure, (ii) removal from committees, (iii) removal as an

officer of the Board, (iv) request for resignation from the Board or committee, as may be applicable, and (v) removal from any volunteer position or capacity and suspension from acting in any future volunteer capacity. Depending on the circumstances of the violation, a representative in violation of this Policy may also be subject to disciplinary action in accordance with the Mutual's governing documents.

Prior to taking any of the actions described above, the Board shall review the evidence of violation, endeavor to meet with the representative member who allegedly is in violation, and confer with the Mutual's legal counsel. The Board shall meet with the director/committee member in executive session prior to imposing disciplinary action against that person; provided, however, that such person may be suspended from an officer, committee, or volunteer position pending the outcome of a hearing. Notwithstanding the foregoing, in cases of extreme or egregious violations, the Board may remove a person from an officer, committee, or volunteer position without a hearing in accordance with its authority pursuant to the Mutual's governing documents.

Former Mutual representatives found to be in violation of this Policy, depending on the circumstances of the violation, may also be subject to disciplinary or enforcement action in accordance with the Mutual's governing documents