



## **BIRKDALE COMMUNITY ASSOCIATION**

### **BOARD RESOLUTION 2026 – 5**

#### **Social Media & Online Forum Policy**

The Board of Directors of Birkdale Community Association at their meeting held on February 5, 2026, approved the revised ASSESSMENTS COLLECTION POLICY attached hereto to be effective immediately. This resolution and policy supersede any previous policies approved by the Board.

*Elizabeth G. Martello*

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President

*[Handwritten Signature]*

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Secretary



## Birkdale Community Association – Social Media & Online Forum Policy

### III. Recitals

WHEREAS, the Board of Directors (the “Board”) is required to establish a reasonable, effective, and free method, appropriate to the size and nature of the Association, for lot owners to communicate among themselves and with the Board regarding Association matters, pursuant to Va. Code § 55.1-1817;

WHEREAS, the Board has authority to adopt rules and regulations by resolution and to reasonably publish or distribute them throughout the development;

NOW, THEREFORE, BE IT RESOLVED that the Board adopts this Social Media & Online Forum Policy (the “Policy”).

### III. Purpose

This Policy is intended to:

1. Establish the Association’s owner-communication “forum” required by Va. Code § 55.1-1817;
2. Set expectations for respectful and lawful communications on Association-sponsored forums;
3. Clarify that third-party social media pages/groups are not Association-sponsored unless expressly designated as such; and
4. Set guidelines for Board and committee participation on third-party forums to avoid confusion about “official” Association statements.

### IV. Definitions

**“Official Association Forum”** means the Association-sponsored method(s) maintained to satisfy Va. Code § 55.1-1817 and to facilitate owner communications (the “Forum”) and other websites and online forms created and administered by or at the request of the Board.

**“Third-Party Forums”** means any website, social media page/group, or online platform related to the community that is not created, owned, controlled, or sponsored by the Association, including (by example) a Facebook page/group not created or administered by the Association, a Nextdoor group, and similar platforms.

**“Standards of Conduct Policy”** means the Association’s adopted standards of conduct/anti-



harassment and fair housing compliance policy, as may be amended.

#### **VI.V. Establishment of the Official Association Forum (Va. Code § 55.1-1817)**

##### **1. Forum Required; Format**

To satisfy Va. Code § 55.1-1817, the Board shall at all times provide members of the Association with free access (excluding the owner's personal internet or device costs) to an Official Association Forum that will allow members to communicate with each other and with the Board. The Association may adjust the Forum tools and procedures from time to time to remain "reasonable" and "effective" given the size and nature of the community. The Forum is a communications tool. It is not a substitute for:

- statutory or governing-document notice requirements,
- due process/hearing procedures,
- or Board action taken in a duly called meeting.

#### **VI.V. Access, Use, and Administration of the Official Association Forum**

##### **1. Who May Use It**

Posting privileges: Members in good standing, and such other persons as the Board may authorize (e.g., residents) in its discretion.

##### **2. Administration**

The Forum may be administered by the managing agent and/or a Board-designated moderator ("Moderator") solely for the limited purposes described in this Policy.

##### **3. Association Records**

Forum content may be retained or archived as an Association record when reasonably related to Association business.

#### **VII.VI. Conduct Standards on the Official Association Forum**

##### **1. Standards of Conduct Apply**

All members, residents, Board members, and committee members must comply with the Association's Standards of Conduct Policy when posting, commenting, messaging, or otherwise participating on the Forum.

##### **2. Businesslike Communications**

Participants must communicate in a civil and non-threatening manner. Personal attacks, harassment, intimidation, discriminatory statements, or hostile-environment conduct are prohibited to the extent addressed in the Standards of Conduct Policy and to the extent permitted by applicable law.



### **3. No Confidential or Private Information**

Participants should not post:

- personal identifying information of others (e.g., personal phone numbers, account details, medical information),
- confidential attorney-client communications,
- or information the Association is required by law to withhold.

## **VIII.VII. Content Moderation and “No Censorship” Approach (with narrow exceptions)**

### **1. General rule: No Censorship Based on Viewpoint**

The Association’s intent is that Forum posts/comments will not be edited, suppressed, or removed merely because they are critical, unpopular, or disagree with the Board.

### **2. Limited Removal/Disablement Permitted**

Notwithstanding the general rule above, the Association may remove, hide, disable, or restrict access to specific content if the Association reasonably determines that the content:

1. Threatens or encourages physical harm (including credible threats of violence or encouragement of violence), or
2. Violates the law (for example, unlawful harassment, unlawful discrimination, defamation, or other unlawful content).

### **3. Preservation**

Before removal, the Association may preserve a screenshot or copy to document the basis for action and for potential reporting to law enforcement or legal counsel.

### **4. Alternative to Removal**

When feasible and appropriate, the Association may address misconduct through conduct enforcement (warnings, providing an opportunity to edit content, etc.) rather than deleting content, consistent with this Policy.

## **IX.VIII. Reporting Concerns and Suspected Violations**

### **1. Where to Report**

Suspected violations of this Policy or the Standards of Conduct Policy should be reported to the managing agent or the Moderator.

### **2. What to Include**

Reports should include, if available:

- date/time, platform, and link to the content,
- screenshot(s),
- name of poster (if known),
- brief description of the issue (e.g., “threat of harm,” “illegal harassment”), and
- any safety concerns.



### **3. Emergencies**

If a post suggests an immediate threat to safety, the reporting party should contact law enforcement first (911 if appropriate), then notify management/Board.

## **X-IX. Board and Committee Communications on the Official Association Forum**

### **1. Official Spokespersons Only**

The Board may designate one or more official communication channels/accounts (e.g., “Association Management” or “Board Liaison”) to respond on behalf of the Association.

### **2. No Individual Authority by Default**

Unless the Board has expressly delegated authority, individual directors and committee members should not present their Forum posts as an “official” Board or committee statement.

### **3. Appropriate Scope of Responses.**

Official responses should generally be limited to:

- factual clarifications,
- directing members to governing documents/policies,
- explaining processes and timelines,
- and directing members to the proper channel for enforcement, architectural requests, complaints, or hearings.

### **4. Confidential matters.**

Board/committee members must not discuss confidential matters (including legal advice, personnel/vendor disputes, delinquency specifics, or violation-enforcement details) on the Forum.

## **X-X. Third-Party Forums (Facebook, Nextdoor, and Similar Platforms)**

### **1. Not Association-Sponsored**

The Association acknowledges that one or more Third-Party Forums may exist for the community. Unless the Board expressly designates a platform as an Official Association Forum or creates and administers the Forum, the forum is a Third-Party Forum that is not sponsored, controlled, or authorized by the Association.

### **2. No Implied Endorsement**

Administrators and moderators of Third-Party Forums should not state or imply that the group/page is “official,” “Association-sponsored,” or “Board-authorized,” and should not use the Association’s name/logo in a manner that implies endorsement, without written permission.

### **4. Requests for Correction**

If the Association becomes aware of a Third-Party Forum implying official sponsorship, the Association may request that the administrator include a clear disclaimer and/or remove confusing



branding.

#### **XII.XI. Board and Committee Member Conduct on Third-Party Forums**

##### **1. Participate as Individuals Unless Authorized**

Board and committee members may participate on Third-Party Forums in their personal capacity, but must not imply they are speaking for the Board or the Association unless:

1. the Board has approved the response (substantively), or
2. the Board has delegated authority to that person to respond on the Board's behalf on that topic.

##### **2. Recommended Disclaimer**

When participating on a Third-Party Forum about Association matters, Board/committee members should use a disclaimer such as: "I am a director/committee member, but I am posting in my personal capacity. Only Board actions taken at duly noticed meetings are official."

##### **3. Do Not "Litigate" Association Business Online**

Board/committee members should:

- avoid arguments, personal disputes, or inflammatory exchanges,
- avoid commenting on violations/enforcement matters involving specific lots or persons,
- and redirect owners to the Official Association Forum, management, or the appropriate formal process.

##### **4. Standards of Conduct Still Apply**

Even on Third-Party Forums, Board and committee members remain expected to comply with the Association's Standards of Conduct Policy and fair housing obligations when engaging in community-related discussions.

#### **XIII.XII. Enforcement and Corrective Action**

Violations of this Policy may result in one or more actions, as determined appropriate and consistent with the governing documents and applicable law, including:

1. Warning and direction to cease the conduct;
2. Removal of the communication to the extent permitted by law;
3. Referral to law enforcement where threats or other potentially criminal conduct are involved;
4. Legal action (including injunctive relief), as appropriate;
5. Removal of an officer or committee member or calling a meeting of the members to vote on removal of a director.

The Board may amend or repeal this Policy by resolution.