



Policy: E-Communication
Policy Number: TBD
Effective: 10/19/01
Department: Human Resources

PURPOSE

Barona Valley Ranch Resort & Casino has expended significant resources to provide computers and other electronic devices for the purpose of promoting its legitimate business interests. In order to ensure that all individuals who use the company's computers and resources do so in a lawful, ethical, and proper manner, the company has established this "Internet and Electronic Communications Policy." The policy recognizes that individuals who use the company's computers may have access to the internet and are able to transmit electronic communications ("E-mail") with the use of computers and electronic devices.

POLICY

This policy applies to the entire network of the company's electronic Communications Systems. The term "Communications Systems" is intended to apply broadly to all of the various forms of electronic communication used by or in the company. For example, it includes E-mail, connections to the Internet, World Wide Web, and other internal or external networks, voice mail, video conferencing, facsimiles, and telephones, as well as any other form of electronic communication used in or by the company either now or in the future.

The Communications Systems are the sole and exclusive property of the company. They are provided or made accessible by the company solely for use in conducting the company's business. Staff members should understand that the company reserves its property interest in all information, data, and communications that are stored in, transmitted by, or received from or on the Communications Systems. Furthermore, no one in the company, other than the General Manager (GM), has the ability to convey, license, assign, sell, limit, impair or alter this property interest. The GM can do so only in a written agreement that is signed by the GM.

PROCEDURE

General Guidelines

The use of the Communications Systems is strictly restricted and subject to a number of rules that are designed to ensure compliance with the company's legal obligations and the promotion of its business interests. In keeping with the purpose of the Communications Systems and the objectives of this policy, any individual who uses the Communications Systems must do so in a professional and appropriate manner that promotes the company's business interests. Individuals must therefore engage in and conduct all activities involving the use of the Communications Systems with the utmost care. Their actions should reflect the same sound judgment and level of responsibility that they would exercise when sending letters or memoranda that are written on the company's letterhead.

Particular attention should be given to issues involving the use of the Internet and awareness that information posted on commercial on-line systems or the Internet creates the potential for broad distribution of and access to such information. Staff members should also understand that it is not possible to guarantee complete security of electronic communications either within or outside the company. It is therefore important that staff members exercise care when sending or receiving sensitive, privileged, proprietary or confidential information electronically.

Specific Prohibitions

Any unlawful or otherwise inappropriate use of the Communications Systems is strictly prohibited and may result in severe disciplinary action, up to and possibly including immediate termination of employment. While it is not possible to provide an exhaustive list of every type of inappropriate use of the Communications Systems, the following examples should offer staff members some guidance:

- a. **Prohibitions Against Harassment and Discrimination.** Barona maintains strict policies against unlawful discrimination and harassment based on any characteristic protected by state or federal law. These anti-discrimination and anti-harassment policies apply to all staff conduct and extend to the use of the Communications Systems. For example, Barona strictly prohibits the use of the Communications Systems to create, send, or deliver a message or information that is either harassing or offensive on the basis of any legally protected characteristic, such as race, color, religion, sex, national origin, ancestry, physical disability, mental disability, sexual orientation, or age. This includes off-color, sexual or offensive information that involves or relates to such legally protected characteristics.
- b. **Prohibitions Against Offensive and Defamatory Conduct.** The use of the Communications Systems to send, transmit, deliver, or invite the receipt of annoying, offensive, defamatory, derogatory or harassing messages or information is strictly prohibited.
- c. **Prohibitions Against Sexually Suggestive Material.** The use of the Communications Systems to disseminate, display, store, transmit, publish, solicit, or purposely receive any pornographic, obscene, or sexually suggestive or explicit material is strictly prohibited.
- d. **Prohibitions Against Gambling.** The use of the Communications Systems to participate or engage, directly or indirectly, in any gambling activities or participate in games of chance or risk is strictly prohibited.
- e. **Trademarks Copyrights and Licenses.** Individuals who use the Communications Systems must honor, respect, and comply with all laws and standards applicable trademarks, copyrights, patents, and licenses to Software and other on-line information trademarks, copyrights, patents, and licenses to software and other on-line information. No individual may download, upload or copy software or other copyrighted or legally protected information through the Communications Systems without the prior written authorization of an Executive Committee member.
- f. **Proprietary, Confidential and Trade Secret Information.** Individuals who use the Communications Systems are strictly prohibited from altering, transmitting, copying, downloading, or removing any proprietary, confidential, trade secret or other information of any company proprietary software, or other files without proper and legally binding authorization.
- g. **Improper Purposes.** Staff members may not use or allow the Communications Systems to be used for any purpose that is either damaging to or competitive with the company, detrimental to its interests, or that creates, actual, potential or apparent conflict of interest.
- h. **Unintended Recipients.** No individual may read, record, copy, or listen to messages and information delivered to another person's E-mail or voice mail mailboxes without authorization from a member of the Executive Committee. If an individual receives an electronic communication and it is evident that the individual is not the intended recipient, the individual must immediately inform the sender of the fact and delete the message from his or her E-mail or voice mail mailbox, whichever is applicable.

- i. No-Solicitation Policies. The company's no-solicitation policies extend to use of the Communications Systems. No staff member, or non-staff member, may use any component of Communications Systems in a manner that violates the no-solicitation policies.
- j. "Everyone" Mailbox. No electronic mail messages may be sent to all users, "Everyone", unless approved by a Director, Executive Director, or an Executive Committee member

Access and Disclosure

The Communications Systems are provided for the sole purpose of conducting the company's business. All individuals should understand that the company maintains its property interest with respect to the Communications Systems and all information stored in such systems, even for brief periods of time.

The company must also maintain its ability to monitor and enforce this policy. To accomplish this objective it must maintain the maximum right to gain access to all information and materials stored in or transmitted by any component of the Communications Systems. Individuals who use the Communications Systems should not maintain any expectation of privacy, either personal or otherwise, with respect to any information, materials, data, or matters stored in, created with or on, received by, delivered by, or sent over or to the Communications Systems. The company reserves the right to gain access to all information in or on the Communications Systems, as well as information, material, data, and matters that have been transmitted or received with the aid of the Communications Systems. It may do so for any purpose, including but not limited to, its desire to protect the integrity of the Communications Systems from unauthorized or improper use and to monitor and enforce this policy. This can occur with or without prior notice to any staff member, before, during or after work.

The company also reserves the right to delegate the authority to any individual to retrieve, monitor, access, copy, download, listen to or delete anything stored in, created or received by, delivered with the aid of, or sent over its Communications Systems without the permission or prior notice of any individual. The company reserves the right to use and disclose any electronic communications and any information or material it obtains from its Communications Systems without the permission of, and without providing advance notice to, any individual. This right includes the right to make disclosures to law enforcement officials.

It may be necessary to assign and/or change "passwords" and personal codes for the [voice mail, E-mail, computer]. These items are to be used for company business and they remain the property of the company. The company may keep a record of all passwords/codes used and/or may be able to override any such password system.

Staff members may not install personal software in company computer systems. All electronic information created by any staff member using any means of electronic communication is the property of the company and remains the property of the company. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the company's ownership of the electronic information.

The company will override all personal passwords if it becomes necessary to do so for any reason.

Staff Responsibility

Every individual who is provided access to the company's Communications Systems must comply fully with this policy. Individuals who have any questions about this policy should direct those questions to an Executive Committee member. Staff members are responsible to read, understand, and comply fully with all provisions of this policy.