PACIFIC RIDGE OWNERS ASSOCIATION
ANTI - HARASSMENT POLICY
ADOPTED - AUGUST 27, 2024

This policy is an Operating Rule as defined in the Davis-Stirling Common Interest Development Act and, to the extent it may conflict with any previous Operating Rules, supersede and prevail over such previous rules. All Operating Rules, whether characterized as rules, policies, procedures and otherwise are subject to the provisions of the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") currently in effect for Pacific Ridge Owners Association. Unless otherwise specified, all the capitalized terms in this Anti-Harassment Policy ("Policy") have the same meaning as may be set forth in the CC&Rs.

This Policy is intended to provide a procedure to address complaints between residents and owners, including compliance with the CC&Rs, California Fair Housing Regulations and the Federal Fair Housing Act ("Act").[1]

I. DEFINITIONS

1. "Harassment" means coercion, intimidation, threats or other unwelcome conduct (whether communicated in writing, verbally, or otherwise) based on a person's inclusion in a Protected Class by a Third Party which is severe enough to interfere with an Owner's or resident's ability to enjoy their dwelling or any privileges, services, or facilities operated by the Association. "Harassment" also includes Workplace Violence as defined below, whether involving a Protected Class or not.

2. "Neighbor to Neighbor Dispute" means a dispute or complaint(s) by one Owner or resident against another Owner or resident which does not concern the Association's governing documents or does not impact the Association at large or its common area.

3. "Protected Class" includes race, color, religion, sex, familial status, disability, or national origin and other classes of individuals as outlined in the Act.

4. "Third Party" includes (1) all Owners and residents, and any of their tenants, family members, guests, or invitees, (2) Association vendors including their employees, agents, and sub-contractors, (3) Association employees, if any, and (4) Association directors and officers.

II. WORKPLACE VIOLENCE

1. Generally. The Association is committed to providing a workplace that is free from unlawful violence and credible threats of violence against Association directors, employees, managers, and/or any volunteers or independent contractors who perform services for the Association at the development (collectively "Employees"). Committing or threatening to commit an act of unlawful violence against any such person is prohibited. Either unlawful violence or a credible threat of violence, or both, as defined in this Article constitute "Workplace Violence."

[1] See 26 C.F.R. 100.7; Rules and Regulations Department of Housing and Urban Development - Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act, September 14, 2016, 81 FR 63054-01.

2. Unlawful Violence. Unlawful violence is any assault or battery, or stalking as provided in the Penal Code, §646.9, but does not include lawful self-defense or defense of others.

3. Credible Threat of Violence. A credible threat of violence is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

4. Prohibited Conduct. Prohibited conduct which may constitute Workplace Violence includes, without limitation, unlawfully harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Penal Code §653m, sending correspondence by any means, including, but not limited to, the use of public or private mail, facsimile, electronic mail, social media and/or other electronic posting, and destroying personal property.

III. POLICY TERMS

1. Prohibition Against Harassment/Limitations on Association's Powers

The Association does not condone, endorse, or otherwise tolerate Harassment against its members or residents. Harassment of a member or resident based on that person's membership as part of a Protected Class by a Third Party is prohibited.

This Policy is not intended to limit lawful free speech. However, speech intended to coerce, intimidate, or threaten violence is not protected.

The purpose is to provide the Association, Owners and residents with a procedure to address any disputes between Owners and residents regarding alleged Harassment. The Association is not empowered to act on all actual, alleged or potential harassment, or related disputes and controversies. It is limited by the authority provided in its governing documents and the law. Equally important, Owners and residents have their own rights under the Association's governing documents and the law they can exercise. Owners and residents should seek their own legal counsel about their rights.

2. Reporting

a. Workplace Violence. Any Employee who is the subject of Workplace Violence by the conduct, actions, or communications of a resident, Member, guest, vendor or invitee of a resident or Member, other Employee, or any other person while within the development, should report such conduct to the Association's manager if the manager is not the violating party, or to the Board or any director otherwise.

b. Harassment. Any Member or resident who (1) is the subject of Harassment due to a violation of the Association's governing documents or the law, or (2) has

witnessed such a violation, should report such conduct to the Association's manager if the manager is not the violating party, or otherwise to the Board or any director.

c. Method of Reporting. An Alleged Workplace Violence/Harassment Report, attached as Exhibit A, must be submitted to the appropriate person as provided above. The report must identify the actions that the Member or resident alleged violated the governing documents or the law or which otherwise constitute Workplace Violence or Harassment as defined above. The report must identify the alleged violator. Anonymous reports will not be investigated since the reporting party must testify at a hearing to satisfy due process requirements.

3. **Investigation of Allegations**

When an Alleged Workplace Violence/Harassment Report is submitted, the Board will review the matter at its next executive board meeting and make a reasonable business judgment decision, based on the information in the report, whether the allegations, if true, constitute a Workplace Violence, a Neighbor to Neighbor Dispute, Harassment, another violation of the Association's governing documents, or otherwise. The Board may request further documents or evidence of the dispute or complaint, call one or more complaining parties to a board meeting, and confer with other residents, members, manager, vendors, or legal counsel as part of its investigation of the matter. The Board reserves the right to take any action necessary or to not take any action, if in its discretion, it concludes the allegations do not violate the Association's governing documents or relevant law.

4. **Association Finding and Actions**

a. Workplace Violence. The Association may take any lawful action against anyone it determines has committed Workplace Violence. Action against Members may include the imposition of fines or other discipline authorized by the Association's governing documents. In addition, the Association may take any of the following actions against Members and non-Members:

i. Seek a workplace violence or other restraining order, when appropriate, to protect the Employee who experienced the Workplace Violence, and any others as permitted by law. If such order is granted, the Association may concurrently request the court to order the violating party to pay attorneys' fees and costs incurred by the Association and/or may also seek reimbursement of the Association's attorneys' fees and costs as a reimbursement assessment from a violating Member if permitted by law.

ii. Refer the complaint to local law enforcement.

iii. Refer the matter to its legal counsel for civil action.

b. Harassment. The Association may take any lawful action against anyone it determines has committed Harassment. Actions against Members may include the imposition of fines or other discipline authorized by the Association's governing documents. In addition, the Association may take any of following actions against Members and non-Members:

    i. Refer the complaint to the United States Department of Housing and Urban Development, the California Department of Fair Employment and Housing, and/or another appropriate agency.

    ii. Refer the complaint to the local law enforcement.

    iii. Refer the matter to its legal counsel for civil action.

c. Neighbor to Neighbor Dispute. If the Board finds the allegations constitute a Neighbor to Neighbor Dispute, the Association will have no obligation to directly intervene. The parties must use their best efforts to resolve the matter amongst themselves, submit their dispute to an applicable governmental agency, or participate in dispute resolution, as appropriate.

d. Other Violation. If the Board finds the allegations constitute a violation of the Association's governing documents that does not constitute Workplace Violence or Harassment, the Board will take appropriate action as permitted or required under its governing documents.

e. Post-Hearing Notice. In all cases in which a disciplinary hearing was conducted and the Board imposed discipline on a Member, the Board will provide the Member a written notification of the decision within fifteen (15) days of its action by either personal or individual delivery. To preserve the privacy of disciplinary proceedings, the Board will not notify the complaining party of any such action.

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ALLEGED WORPLACE VIOLENCE/HARASSMENT REPORT

Date: _____

1. **Person Making Report** Name: _____
   Address: _____
   Phone No: _____

2. **Time, Place and Nature of Alleged Workplace Violence/Harassment (fill in)**

   Date: _____ Time: _____ Location: _____

   Description of Workplace Violence or Harassment:
   _____
   _____
   _____

3. **Description of Assailant/Harasser (Respondent)**

   Name: _____
   Phone: _____
   Address: _____

4. **Additional Witnesses**

   Name: _____
   Address/Phone: _____

   Name: _____
   Address/Phone: _____

5. **Other Evidence (Photographs, Documents, Etc.) Supporting the Alleged Violation** (attach copies if possible or describe in detail)
   _____
   _____

7. **Acknowledgement by Original Complainant**

   The person making this complaint ("Complainant") acknowledges that Complainant must appear as a witness at any formal hearing or the Board may refuse to consider the allegation of workplace violence or harassment, unless the Workplace Violence or Harassment can be independently corroborated.

   _____
   (Signature)